



# Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



## NOTICE OF ADOPTED AMENDMENT

10/18/2010

TO: Subscribers to Notice of Adopted Plan  
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: Klamath County Plan Amendment  
DLCD File Number 003-10

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

### Appeal Procedures\*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Thursday, October 28, 2010

This amendment was submitted to DLCD for review prior to adoption pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

**\*NOTE:** The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

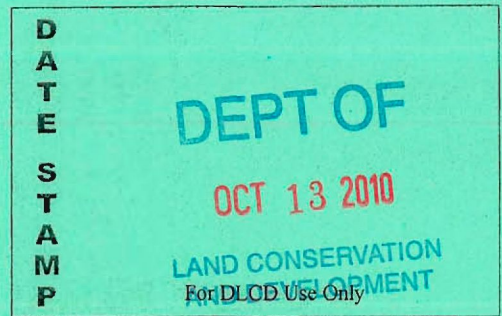
Cc: Mark Gallagher, Klamath County  
Jon Jinings, DLCD Community Services Specialist  
Jon Jinings, DLCD Regional Representative

<paa> YA



# 2 Notice of Adoption

THIS FORM **MUST BE MAILED** TO DLCD  
**WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION**  
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18



Jurisdiction: Klamath County Local file number: CLUP / ZC 2-09  
Date of Adoption: 10/5/2010 Date Mailed: 10/7/2010  
Date original Notice of Proposed Amendment was mailed to DLCD: 5/24/2010

- |  |  |
|--|--|
| <input type="checkbox"/> Comprehensive Plan Text Amendment | <input checked="" type="checkbox"/> Comprehensive Plan Map Amendment |
| <input type="checkbox"/> Land Use Regulation Amendment     | <input checked="" type="checkbox"/> Zoning Map Amendment             |
| <input type="checkbox"/> New Land Use Regulation           | <input type="checkbox"/> Other: _____                                |

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

**Amends the Comprehensive Plan Map designation from Agricultural to Rural and a zoning map change from Exclusive Farm Use - Crops & Grazing (EFU-CG) to Rural Residential (R-5) on 52± acres.**

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "SAME". If you did not give Notice for the Proposed Amendment, write "N/A".

**Applicant revised the area down from 64.4 to 52 acres.**

Plan Map Changed from: Agriculture to: Rural

Zone Map Changed from: EFU-CG to: Rural Residential (R-5)

Location: Klamath County Acres Involved: 52 acres

Specify Density: Previous: N/A New: One parcel / 5 acres

Applicable Statewide Planning Goals: 1, 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14

Was an Exception Adopted? ☒ YES ☐ NO

DLCD File No.: 003-10 (18329) [16363]



Did the Department of Land Conservation and Development receive a Notice of Proposed Amendment.....

**Forty-five (45) days prior to first evidentiary hearing?**

☒ Yes

☐ No

If no, do the statewide planning goals apply?

☐ Yes

☐ No

If no, did Emergency Circumstances require immediate adoption?

☐ Yes

☐ No

Affected State or Federal Agencies, Local Governments or Special Districts:

**DLCD**

Local Contact: **Mark Gallagher**

Phone: **(541) 883-5121**

Extension: **3064**

Address: **305 Main Street**

City: **Klamath Falls**

Zip Code + 4: **97601-**

Email Address: **mgallagher@co.klamath.or.**

## **ADOPTION SUBMITTAL REQUIREMENTS**

This form **must be mailed** to DLCD **within 5 working days after the final decision**  
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and **TWO (2) Copies** of the Adopted Amendment to:

**ATTENTION: PLAN AMENDMENT SPECIALIST  
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT  
635 CAPITOL STREET NE, SUITE 150  
SALEM, OREGON 97301-2540**

2. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can copy this form on to 8-1/2x11 green paper only; or call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to **maru.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.

BOARD OF COUNTY COMMISSIONERS

KLAMATH COUNTY, OREGON

IN THE MATTER OF AMENDING )	
THE COMPREHENSIVE PLAN )	
DESIGNATION FROM )	ORDINANCE 44.89
AGRICULTURE TO RURAL AND )	
CHANGING THE ZONING FROM )	
EXCLUSIVE FARM USE – )	
CROPS/GRAZING (EFU-CG) TO )	
RURAL RESIDENTIAL (R-5) ON )	
APPROXIMATELY 52 ACRES. )	

**WHEREAS**, the Klamath County Board of Commissioners has the authority to create, amend, modify, or repeal county law or code by Ordinance; and

**WHEREAS**, the Klamath County Board of Commissioners has the authority and desires to amend the Comprehensive Plan and Zoning Map; and

**WHEREAS**, the Klamath County Planning Director was directed by Final Order (CLUP/ZC 2-09) signed by the Board of County Commissioners to draft for signature an Ordinance; and

**WHEREAS**, an Ordinance was drafted for the purpose of designating the use of certain lands, as requested by the applicant/landowner.

**NOW, THEREFORE, THE BOARD OF COMMISSIONERS OF KLAMATH COUNTY ORDERS BY ORDINANCE AS FOLLOWS:**

- 1. The Klamath County Comprehensive Plan - General Land Use Plan Map designation is changed from Agriculture to Rural on property identified on attached Exhibit A:*
- 2. The Zoning Map is Changed from Exclusive Farm Use – Crops/Grazing (EFU-CG) to Rural Residential (R-5) on property identified on attached Exhibit A.*

**NOW, THEREFORE**, the Klamath County Board of Commissioners ordains that the amendments to the adopted Klamath County Comprehensive Plan and Zoning Map which are attached hereto, marked as Exhibit "A," and incorporated herein by reference are hereby adopted.



DATED this 5 day of Oct, 2010.

**FOR THE BOARD OF COMMISSIONERS**

Cheryl Hukui  
Chairman

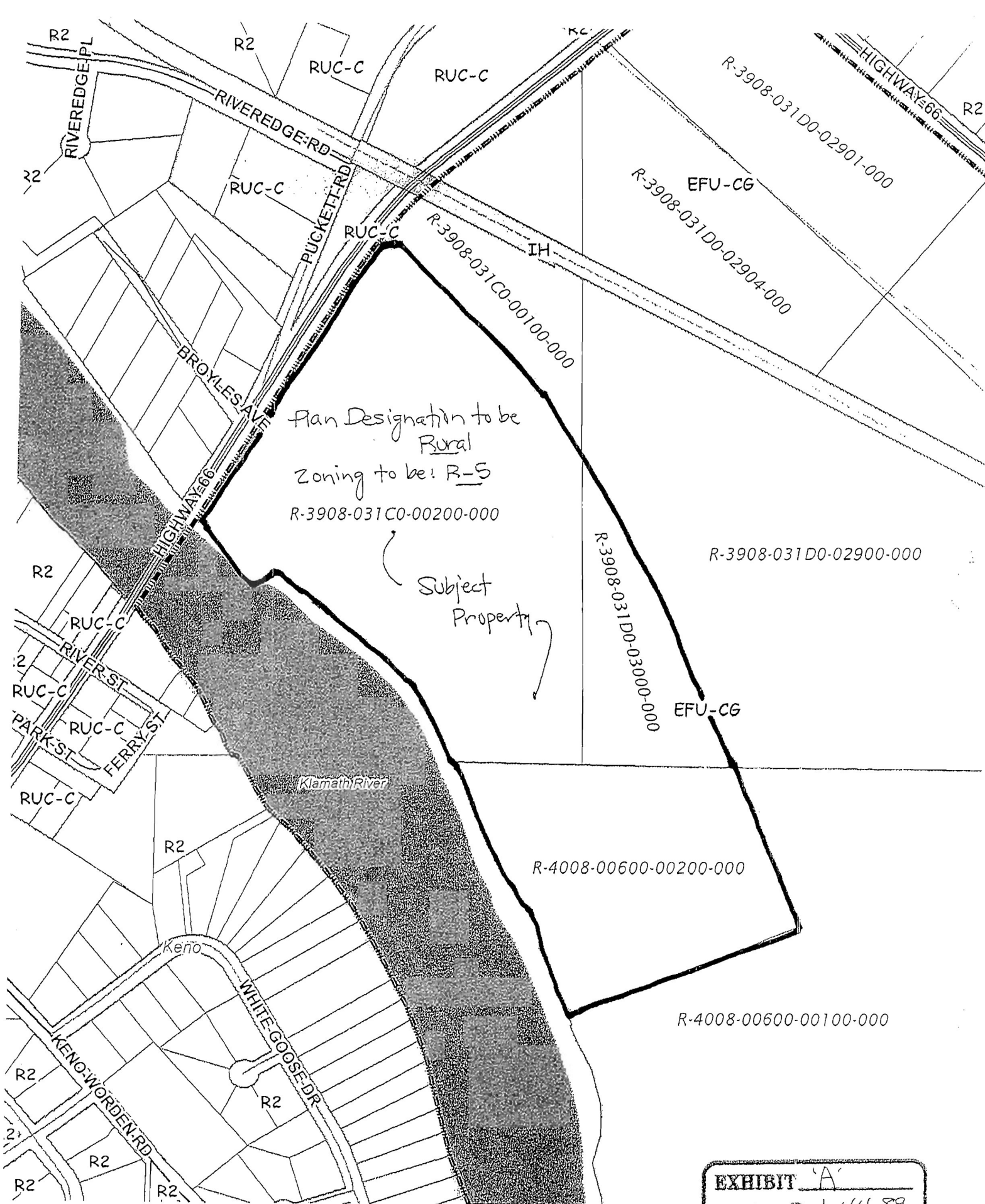
[Signature]  
Commissioner

[Signature]  
Commissioner

C.P.C. 10/5/16  
County Counsel  
Approved as to form

**NOTICE OF APPEAL RIGHTS**

This decision may be appealed to the Oregon Land Use Board of Appeals (LUBA) within 21-days following the date of the mailing of this order. Contact LUBA for information as how to file this appeal (LUBA by phone 1-503-373-1265 or by mail at 550 Capitol Street NE, Suite 235, Salem Oregon 97301-2552). Failure to do so in a timely manner may affect your rights.



Plan Designation to be  
Rural  
Zoning to be: R-S  
R-3908-031C0-00200-000

Subject  
Property

EXHIBIT 'A'  
FILE # Ord. 44.89  
CLWP/ZC 2-09

# BEFORE THE KLAMATH COUNTY BOARD OF COMMISSIONERS

IN THE MATTER OF FILE NUMBER CLUP/ZC 2-09

FINAL ORDER

WHEREAS, Puckett Trust, et al applicants, requested approval of an amendment to the Comprehensive Plan designation and zoning on approximately 52 acres; and

WHEREAS, the subject properties are described as Tax Lots 200 and 3000, in Section 31C of Township 39 South, Range 8 East Willamette Meridian, and Tax Lot 200, in Section 6 of Township 40 South, Range 8 East Willamette Meridian; and

WHEREAS, the Klamath County Planning Department provided proper notice of a public hearing held on September 28, 2010 before the Klamath County Planning Commission and Board of County Commissioners; and

WHEREAS, the applicant submitted said request for the Comprehensive Plan amendment and associated zone change in due form for consideration; and

WHEREAS, based on testimony entered and consideration of the whole record, and making the proposed Findings of Fact in the application submittal and Staff Report their own, the Klamath County Planning Commission concluded the application was in conformance with State Law, Klamath County Land Development Code and Comprehensive Plan, and forwarded a unanimous recommendation of Approval for Planning File CLUP/ZC 2-09 to the Board of County Commissioners; and

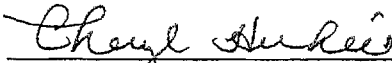
WHEREAS, based on testimony entered and after consideration of the whole record; and, with a unanimous recommendation from the Klamath County Planning Commission, the Klamath County Board of Commissioners acting within their authority accepted the Planning Commission's recommendation, and unanimously APPROVED Planning File CLUP/ZC 2-09.


NOW, THEREFORE, THE KLAMATH COUNTY BOARD OF COMMISSIONERS  
ORDER AS FOLLOWS:

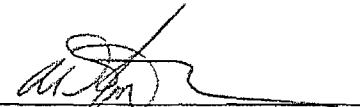
*The Klamath County Planning Director shall draft for adoption by the Board of County Commissioners an ordinance amending the Klamath County Comprehensive Plan - General Land Use Plan Map and Zoning Map to reflect the proposed revision to the plan designation and zoning changes as shown on attached Exhibit A.*

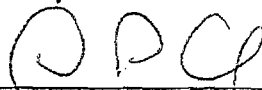
Dated this 5 day of Oct, 2010

FOR THE BOARD OF COMMISSIONERS

  
Chairman

  
Commissioner

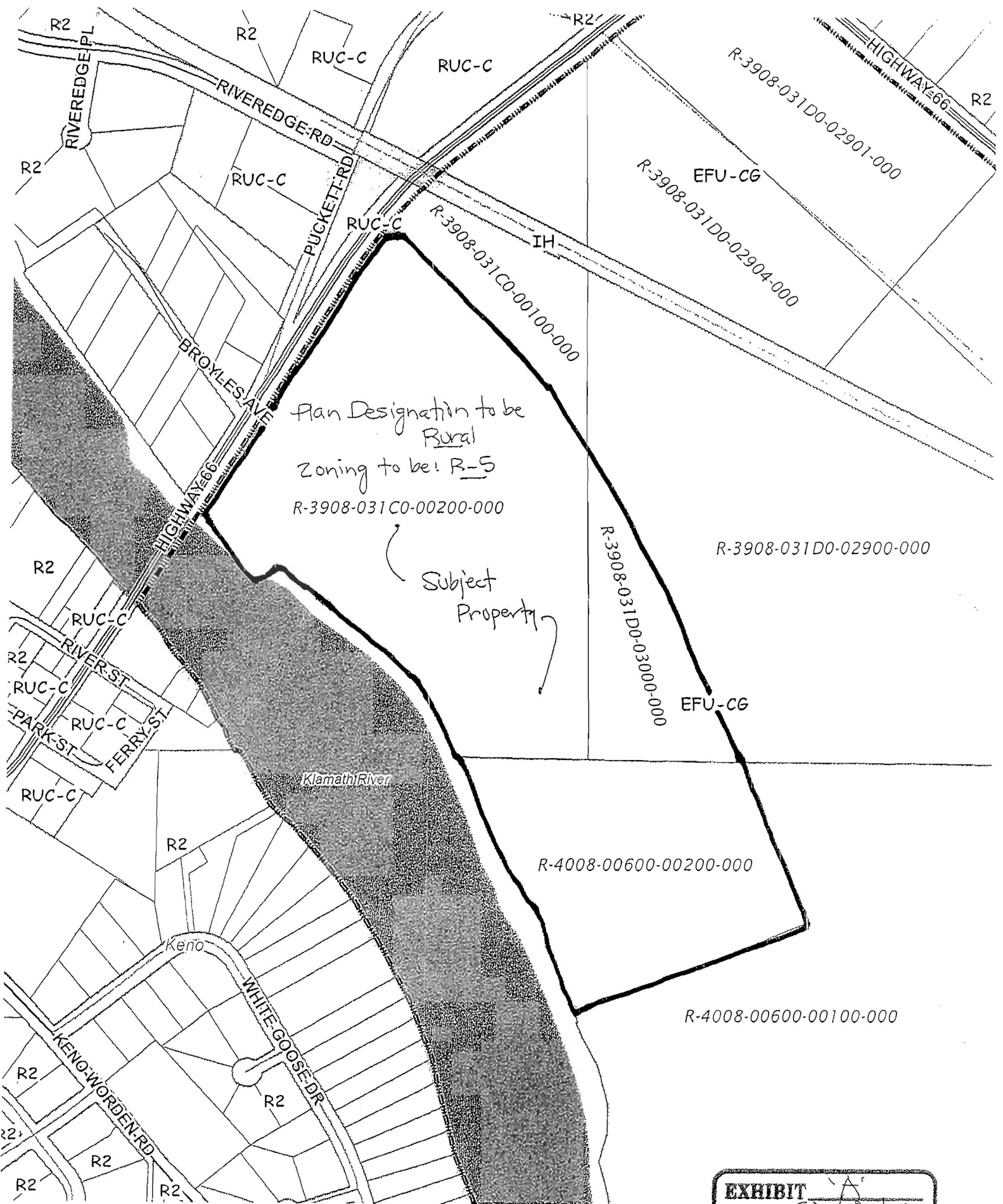
  
Commissioner

 10/5/10  
County Counsel  
Approved as to form

#### NOTICE OF APPEAL RIGHTS

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Plan Designation to be  
Rural  
Zoning to be: R-5  
R-3908-031C0-00200-000

Subject  
Property

EXHIBIT 'A'  
Final Order  
FILE # 200802-09

Klamath County  
Planning Department  
305 Main Street  
Klamath Falls, OR 97601



049J82030494

**\$01.229**

10/07/2010

Mailed From 97601

**US POSTAGE**

ATTENTION: PLAN AMENDMENT SPECIALIST  
DEPT OF LAND CONSERVATION & DEVELOP.  
635 CAPITOL STREET NE, SUITE 150  
SALEM, OR 97301-2540