

**BEFORE THE BOARD OF COMMISSIONERS  
FOR KLAMATH COUNTY, OREGON**

IN THE MATTER OF FILE NUMBER CLUP 15-07

FINAL ORDER

WHEREAS, Oregon Department of Transportation, property owner and applicant, requested approval of a Post Acknowledgment Plan Amendment (PAPA) subject to provisions of OAR 660-023-0180, and processed as a quasi-judicial amendment to the COMPREHENSIVE LAND USE PLAN MAP to an existing Goal 5 Significant Resource Overlay, 1C/3C Mineral Aggregate designation, from approximately 10± acres to 77± acres of property zoned Forestry Range; and,

WHEREAS, the applicant submitted findings of fact and conclusions of law consistent to meet the minimum standards of OAR 660-023-0180 in support of the request; and,

WHEREAS, the Klamath County Planning Department provided proper notice of a public hearing to be held on December 16, 2008 before the Klamath County Planning Commission and Board of County Commissioners; and,

WHEREAS, on December 16, 2008, the Klamath County Planning Commission, based upon the written and oral testimony presented at this hearing, deliberated to a decision, concluding the proposed changes were consistent with or could be made consistent with the applicable criteria, and subject to compliance with all the requirements of State and Federal law, statutes, rules and policies; including, but not limited to, the provisions of OAR 660-023-0180; and,

WHEREAS, the applicant stipulated on the record to all mitigation conditions found identified in OAR 660-023-0180(5) and concurred with the fact Klamath County was the regulatory authority over the subject property land use; and

WHEREAS, on December 16, 2008, the Klamath County Planning Commission adopted as its own the Findings of Fact and conclusions of law as provided by the Planning Department and contained in the Staff Report, and forwarded a recommendation of approval of Planning File CLUP 15-07 to the Board of County Commissioners, and,

WHEREAS, on December 16, 2008, the Board of County Commissioners, based upon given testimony and consideration of the Findings of Fact and Conclusions of Law as adopted by the Klamath County Planning Commission and recommendation for approval, APPROVED Planning File CLUP 15-07, noting that the application was consistent with OAR 660-023-0180; and


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


The Klamath County Comprehensive Land Use Map designation is amended to include:


*TOWNSHIP 36 South, RANGE 13 East, Section 17, Tax Lot 04200, a 77± acre parcel zoned Forestry Range; with, Klamath County Goal 5 Mineral/Aggregate Significant Resource Overlay (SRO) having 1C/3C site protection; and, with restrictions and processes identified in OAR 660 Division 23.*


*Furthermore, because minimum standards of OAR 660 Division 23 were met and conflicting uses as identified in the Staff Report can be mitigated, this Comprehensive Land Use Map amendment repeals Ordinance 44.34 and replaces any previous site recognition.*

DATED THIS 31<sup>st</sup> DAY OF DECEMBER, 2008:

  
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Chairman

  
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Commissioner

  
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Commissioner

  
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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 an appeal (LUBA: Phone 1-503-373-1265 or mail to 550 Capitol Street NE, Suite 235, Salem, OR 97301-2552). Failure to do so in a timely manner may affect your rights.