



BOARD OF COUNTY COMMISSIONERS

KLAMATH COUNTY, OREGON

IN THE MATTER OF AMENDING)
THE KLAMATH COUNTY)
COMPREHENSIVE PLAN GOAL)
5 BIG GAME RANGES ESEE)
ANALYSIS (ORDINANCE 45.2) &)
KLAMATH COUNTY LAND)
DEVELOPMENT CODE ARTICLE)
57 (ORDINANCE 44.67))

ORDINANCE 44.76.1

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 (Comp Plan) and Land Development Code (KCLDC); and

WHEREAS, the Klamath County Planning Director requested a legislative hearing and provided written notice of the public hearing format consistent with ORS 215.060 and 215.223; and

WHEREAS, a legislative public hearing was held on April 28, 2009; and, a Staff Report and an amended ESEE Analysis was provided; and, public testimony was considered before the Klamath County Planning Commission; and

WHEREAS, on April 28, 2009, based on testimony entered and in consideration of the whole record, the Klamath County Planning Commission recommended approval of the Planning Director's legislative request to amend the Comp Plan and KCLDC; and, said recommendation was forwarded to the Klamath County Board of Commissioners; and

WHEREAS, the Klamath County Board of Commissioners have held public hearing and has determined that it is in the best interest of Klamath County to amend the Comp Plan and Article 57 of the KCLDC by an Ordinance approved by the Klamath County Board of Commissioners.

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

1. *The Klamath County Comprehensive Plan Goal 5 Big Game Ranges ESEE attached hereto by reference, marked Exhibit "A" is now hereby incorporated into the Comprehensive Plan and thereby adopted.*

2. Klamath County Land Development Code attached hereto by reference, marked Exhibit "B" is now hereby amended and shall state the following **{bolded text is new or modified}**:

Article 57.030(A)(3)

The siting of a residential dwelling when located inside a Big Game Habitat mapped "Impacted Area"; and, when substantial proof is provided showing standards enumerated in Article 57.070(C)(2)(D), (E), & (F) can be met without the application of a Conditional Use Permit and standards enumerated in Article 57.060.

Article 57.070(C)(2)

A) Residential home sites (including accessory buildings) fronting a public road may be permitted if:

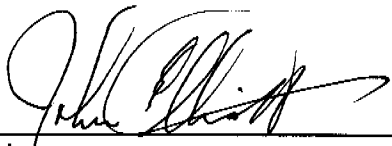
- 1) Not more than 330 feet from an existing dwelling;
or
- 2) Not more than 150 feet from a side property boundary; and
- 3) Not more than 100 feet from an existing public road.

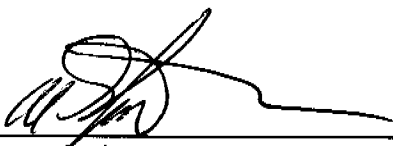
B) Residential home sites (including accessory buildings) on a parcel in a mapped "impact area" shall be sited using the Base Zoning setback standards.

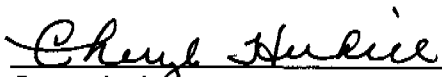
C) Residential home sites (including accessory buildings) not fronting a public road and on a parcel not within a mapped "impact area" may be permitted if:


DATED this 2 day of June, 2009.

FOR THE BOARD OF COMMISSIONERS


Chairman


Commissioner


Commissioner


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.