



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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Salem, OR 97301-2540

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AMENDED NOTICE OF ADOPTED AMENDMENT

August 20, 2007

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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: Klamath County Plan Amendment
DLCD File Number 002-07



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: August 31, 2007

This amendment was submitted to DLCD for review 45 days 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.

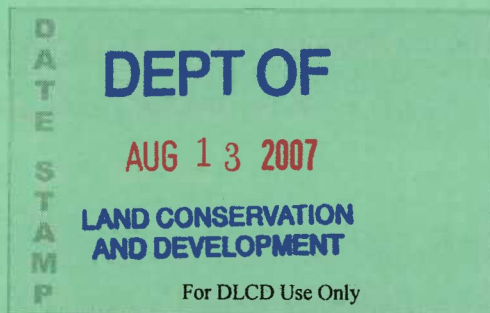
***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.**

Cc: Doug White, DLCD Community Services Specialist
Jon Jinings, DLCD Regional Representative
Les Wilson, Klamath County

<paa> ya/

FORM 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 2-07

Date of Adoption: 8/8/2007 Date Mailed: 8/10/2007

Date original Notice of Proposed Amendment was mailed to DLCD: 1/29/2007

- Comprehensive Plan Text Amendment
- Land Use Regulation Amendment
- New Land Use Regulation
- Comprehensive Plan Map Amendment
- Zoning Map Amendment
- Other: _____

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

The applicant requests a comprehensive plan map amendment and zone change on 12.62 acres from Industrial/Light Industrial to General Commercial/General Commercial.

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".

Same

Plan Map Changed from: Industrial to: General Commercial

Zone Map Changed from: Light Industrial to: General Commercial

Location: 4141 Washburn Way, SE of intersection of Washburn & Bristol Acres Involved: 12.62 acres

Specify Density: Previous: None New: None

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

Was and Exception Adopted? YES NO

DLCD File No.: 002-07(15832)

**BEFORE THE BOARD OF COMMISSIONERS
of KLAMATH COUNTY**

IN THE MATTER OF FILE NUMBER CLUP/ZC 2-07

FINAL ORDER

WHEREAS, Steven M. & JoAnne Carson (Trustees), applicants for the Steve and JoAnne Carson Trust, requested approval of a quasi-judicial amendment of the COMPREHENSIVE LAND USE PLAN MAP for an approximately 12.62± acre property from Industrial (I) to General Commercial (CG); and a CHANGE OF ZONE from Light Industrial (IL) to General Commercial (CG); and

WHEREAS, the subject property is described as Tax Lots 00200 & 00202, in Section 10CC, and Tax Lot 01202, in Section 10CB of Township 39 South, Range 09 East Willamette Meridian and identified as Tax Accounts R543736, R879884, and R872427, addressed as 4141 Washburn Way, located within the unincorporated area of the Klamath Falls Urban Growth Boundary; and,

WHEREAS, the amendments will be applied subject to all applicable provisions of the Klamath County Comprehensive Plan and Land Development Code; and

WHEREAS, the use proposed supports Statewide Land Use Planning Goal 9 (County Economy) and Goal 14 (Urbanization), providing associated opportunities for the community and surrounding area; and

WHEREAS, the Klamath County Planning Department provided proper notice of a public hearing held on July 24, 2007 before the Klamath County Planning Commission and Board of County Commissioners; and

WHEREAS, the Klamath County Planning Commission deliberated to a decision, concluding the proposed changes are consistent with or can be made consistent with the COMPREHENSIVE PLAN subject to compliance with all requirements of Federal, State, and Local law, statutes, rules, and policies; and, with one stipulated (pre-development permit) Condition of Approval requiring the applicant to provide the Planning Department with a copy of a County Clerk recorded traffic mitigation agreement between the owner and Klamath County; and,

WHEREAS, on July 24, 2007, based on testimony entered and consideration of substantial evidence in the whole record, including the proposed Findings of Fact identified in the Staff Report, the Klamath County Planning Commission adopted as its own the Findings of Fact provided in the Staff Report. Based upon its Findings of Fact and Conclusions of Law, the Klamath County Planning Commission concluded the application is in conformance with Articles 47 and 48 of the Klamath County Land Development Code and Comprehensive Plan, recommending approval of File Number CLUP/ZC 2-07 to the Board of County Commissioners; and

WHEREAS, on July 24, 2007, based on testimony entered and consideration of the Findings of Fact adopted by the Klamath County Planning Commission and upon a unanimous recommendation for approval, the Board of County Commissioners APPROVED File Number CLUP/ZC 2-07.

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

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

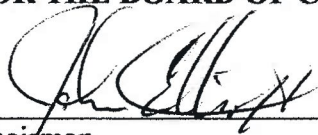
TOWNSHIP 39 South, RANGE 09 East, SECTION 10CC, TAX LOT 00101 (19.12± acres) as a General Commercial (CG) designation; and,

The Klamath County Zoning Map is amended to include:

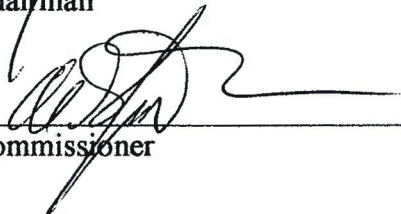
TOWNSHIP 39 South, RANGE 09 East, SECTION 10CC, TAX LOT 00101 (19.12± acres) as a General Commercial (CG) zoning designation.

Dated this 8th day of August, 2007

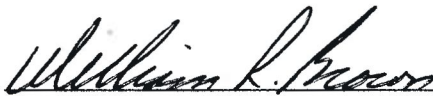
FOR THE BOARD OF COMMISSIONERS




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 mail at 550 Capitol Street NE, Suite 235, Salem, Oregon 97301-2552). Failure to do so in a timely manner may affect your rights.