



# Oregon

Kate Brown, Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2540

Phone: 503-373-0050

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[www.oregon.gov/LCD](http://www.oregon.gov/LCD)



## NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

Date: May 24, 2016  
Jurisdiction: Klamath County  
Local file no.: CLUP 4-16  
DLCD file no.: 004-16

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 05/23/2016. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD 48 days prior to the first evidentiary hearing.

### Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A 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).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

### DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or [plan.amendments@state.or.us](mailto:plan.amendments@state.or.us)



# NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

**FOR DLCD USE**  
File No.: 004-16 {24320}  
Received: 5/23/2016

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See [OAR 660-018-0040](#)). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use [Form 4](#) for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use [Form 5](#) for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use [Form 6](#) with submittal of an adopted periodic review task.

Jurisdiction: ~~Klamath County~~ Klamath County

Local file no.: **CLUP 4-16**

Date of adoption: 5/11/2016                      Date sent: 5/23/2016

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted): 3/9/2016  
No

Is the adopted change different from what was described in the Notice of Proposed Change?    Yes    No

If yes, describe how the adoption differs from the proposal:

Local contact (name and title): Mark Gallagher, Planning Director

Phone: 541-851-3668

E-mail: mgallagher@co.klamath.or.us

Street address: 305 Main St.

City: Klamath Falls

Zip: 97601-

### PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

**For a change to comprehensive plan text:**

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

Added the Urban Trails Master Plan as an addendum to the Urban Area TSP. This is related to Statewide Planning Goal 12, but not a requirement.

**For a change to a comprehensive plan map:**

Identify the former and new map designations and the area affected:

- Change from \_\_\_\_\_ to \_\_\_\_\_ acres.    A goal exception was required for this change.
- Change from \_\_\_\_\_ to \_\_\_\_\_ acres.    A goal exception was required for this change.
- Change from \_\_\_\_\_ to \_\_\_\_\_ acres.    A goal exception was required for this change.
- Change from \_\_\_\_\_ to \_\_\_\_\_ acres.    A goal exception was required for this change.

Location of affected property (T, R, Sec., TL and address):

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

**If the comprehensive plan map change is a UGB amendment** including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

**If the comprehensive plan map change is an urban reserve** amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

**For a change to the text of an ordinance or code:**

Identify the sections of the ordinance or code that were added or amended by title and number:

**For a change to a zoning map:**

Identify the former and new base zone designations and the area affected:

Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation:	Acres added:	Acres removed:
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Location of affected property (T, R, Sec., TL and address):

List affected state or federal agencies, local governments and special districts: City of Klamath Falls, ODOT, Oregon State Parks and Recreation and Klamath County.

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.



**BEFORE THE KLAMATH COUNTY  
BOARD OF COMMISSIONERS**

**IN THE MATTER OF FILE NUMBER CLUP 4-16** **FINAL ORDER**

WHEREAS, Klamath County, applicant, proposed adoption of the Urban Trail Master Plan, included here by reference, as an addendum to the Urban Area Transportation System Plan; and

WHEREAS, the Klamath County Planning Department provided proper notice of a public hearing held on April 26, 2016 before the Klamath County Planning Commission and Board of County Commissioners; and

WHEREAS, the applicant submitted said request for the amendment 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 Staff Report their own, the Planning Commission forwarded a recommendation for approval to the Board of County Commissioners; and

WHEREAS, the Board of County Commissioners concluded the application was in conformance with State Law, Klamath County Comprehensive Plan and Land Development Code, and acting within their authority unanimously APPROVED the request of Planning File CLUP 4-16.

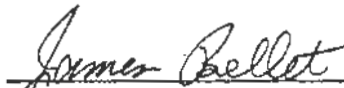
NOW, THEREFORE, THE KLAMATH COUNTY BOARD OF COMMISSIONERS  
ORDER AS FOLLOWS:

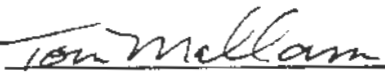
The Klamath County Planning Director shall prepare for adoption by the Board of  
County Commissioners an ordinance adopting the Urban Trail Master Plan as an  
addendum to the Urban Area Transportation System Plan, incorporated by  
reference.


Dated this 11 day of May, 2016

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.

Return to Commissioner's Journal

2016-005176  
Klamath County, Oregon



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05/18/2016 09:15:41 AM

Fee: NO FEE

**BOARD OF COUNTY COMMISSIONERS**  
**KLAMATH COUNTY, OREGON**

**IN THE MATTER OF APPROVAL )**  
**OF THE URBAN TRAIL MASTER )**  
**PLAN AS AN ADDENDUM TO )**  
**THE URBAN AREA )**  
**TRANSPORTATION SYSTEM )**  
**PLAN. )**

**ORDINANCE 45.86**

**WHEREAS**, the Klamath County Board of Commissioners has the authority and desires to adopt the Urban Trail Master Plan as an addendum to the Urban Area Transportation System Plan; and

**WHEREAS**, the Klamath County Planning Department provided written notice of the public hearing as required in KC Land Development Code Article 31; and

**WHEREAS**, a quasi-judicial public hearing was held on April 26, 2016, and a Staff Report was provided, and public testimony was considered before the Klamath County Planning Commission and Board of County Commissioners; and

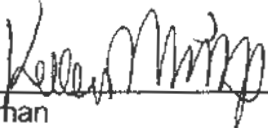
**WHEREAS**, based on testimony entered and in consideration of the whole record, the Klamath County Planning Commission adopted as its own the findings of fact provided in the Staff Report and recommended approval of the Urban Trail Master Plan; and, said recommendation was forwarded to the Klamath County Board of Commissioners; and

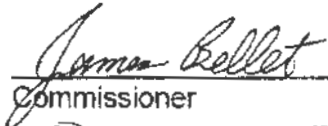
**WHEREAS**, the Klamath County Board of Commissioners voted to accept the Planning Commission recommendation and to adopt the Urban Trail Master Plan as an addendum to the Urban Area Transportation System Plan; and

**NOW, THEREFORE**, the Klamath County Board of Commissioners ordains that the Urban Trail Master Plan, incorporated herein by reference, is hereby adopted.


DATED this 11 day of May, 2016.

**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.



# Klamath County Planning Department

Klamath County Government Center  
305 Main Street, Klamath Falls, Oregon 97601

**Hearing Date:** April 26, 2016  
**Application File No:** CLUP 4-16  
**Staff Contact:** Mark Gallagher

## STAFF REPORT

**Applicant:** Klamath County (via Planning Dept.)

**Application:** Consideration of adoption of the Klamath Falls Urban Trail Master Plan as an addendum to the Urban Area Transportation Plan.

### **BACKGROUND**

The Klamath Falls Urban Trails Master Plan was funded by a Transportation and Growth Management (TGM) Grant through the City of Klamath Falls to plan for improvements to the existing trails system throughout the Klamath Falls Urban Growth Boundary. The consultant on the project is Kittleson and Associates, Inc. with offices in Bend.

### **PROCESS**

This code amendment is a legislative action since it does not involve specific properties.

### **APPLICABLE CRITERIA**

The applicable criteria is contained in Article 49 – Legislative Amendment to the Klamath County Comprehensive Plan, Land Development Code or Zoning Map.

### **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

The applicable criteria are listed below with findings addressing each.

#### **Land Development Code Article 49.030 Review Criteria**

- A. An amendment to the Comprehensive Plan or Land Development Code may only be approved if it meets all applicable review criteria.***
- B. An amendment to the Comprehensive Plan or Land Development Code shall be reviewed against the following criteria:***
  - 1. The proposed amendment is supported by specific studies or other factual information, which documents the public need for the change;***

#### **Finding**

The proposed amendment is a specific planning document which indicates a public need, and where, to make improvements to the existing trails system within the Klamath Falls Urban Growth Boundary.



An important aspect of preparing the plan is to facilitate additional grants to make the necessary improvements. Grant proposals frequently ask if the proposed improvements are contained in a planning document.

The proposed amendment is found to meet this criterion.

**2. *The proposed amendment complies with policies of the Comprehensive Plan and policies and standards of the Urban Area Transportation System Plan;***

The proposed revisions are consistent with the following Goals and Policies of the Klamath County Comprehensive Plan:

**Goal 1: Citizen Involvement**

The general public was invited to participate in this process through advertisements in the newspaper of record and specific outreach to local community groups. A public website ([www.klamathfallstrailplan.com](http://www.klamathfallstrailplan.com)) was published and made available throughout the duration of the project. The website included general information about the project, all project documents (draft and final), upcoming meeting and hearing information, meeting notes, and other relevant information about the project. Two online "virtual" open houses and one in-person open house were held throughout the development of the project. Citizens were able to learn more about the project and provide specific feedback on areas to be addressed by the plan and on the draft plan at these open houses. A citizen advisory committee that included private citizens of the City of Klamath Falls met regularly throughout the course of the project and provided feedback and guidance. All standard requirements for public for the legislative action have been followed.

**Goal 2: Land Use Planning**

*This goal requires that a land-use planning process and policy framework be established as a basis for all divisions and actions related to use of land. All local governments and state agencies involved in the land-use action must coordinate with each other. Cities, counties, state and federal agencies and special districts plans and actions related to land use must be consistent with the comprehensive plans of cities and counties in regional plans adopted under Oregon Revised Statutes Chapter 268.*

Finding

The Oregon Department of Transportation and Department of Land Conservation and Development were members of the project advisory committee and were sent notices of the proposed amendment.

**Goal 8: Recreation Needs**

*POLICY 5: The County shall encourage the development of bike paths.*

*POLICY 6: The County shall encourage the protection of recreation trails.*

Finding

Adoption of the Urban Trail Master Plan will implement these two policies.

## **GOAL 12: Transportation**

*Goal 12 requires cities, counties, Metropolitan planning organizations, and Oregon Department of Transportation to provide and encourage a “safe convenient and economic transportation system.” This is accomplished through the transportation system plans based on inventories of local, regional and state transportation needs.*

*POLICY 7: The County shall encourage local governments to improve convenience and safety of pedestrian and bicycle transportation.*

### Finding:

The proposed amendment to the Urban Area Transportation System Plan is intended to facilitate the development of an interconnected active transportation system. When built out, this will improve the convenience and comfort of walking and bicycling in the urban area, providing economical transportation options to, and better connecting, residents and visitors to the City.

The proposed amendment is found to meet the applicable goals and policies of the Comprehensive Plan listed above as well as being consistent with the Urban Area Transportation System Plan.

## **All Other Goals and Policies of the Klamath County Comprehensive Plan**

### Finding

It has been determined that Goals 3-7, 9-11 and 13-14 are not applicable to the proposed amendment.

- 3. The proposed amendment complies with the Oregon Statewide Planning Goals, state statutes and administrative rules, including compliance with the TPR (OAR 660-012-0060). To document compliance with the TPR the applicant shall submit a Traffic Impact Study pursuant to Section 71.200.***

## **Statewide Planning Goals**

### Finding

The application is found to be consistent with Goals 1, 2, 8 and 12 of the Statewide Planning Goals for the same reasons stated above in review of the Comprehensive Plan Goals and Policies. Goals 3-7, 9-11 and 13-14 have been determined to be inapplicable.

## **State Statutes**

### Finding

Oregon Revised Statutes (ORS) does not contain any language which prohibits the County from adopting an Urban Trail Master Plan. The proposed amendment language is consistent with the current requirements of ORS.

## **Oregon Administrative Rules**

### **Transportation Planning Rule (OAR 660-012)**

Transportation Planning Rule (OAR 660-012) encourages all modes of travel including bicycling and pedestrian facilities.

Finding

The proposed Urban Trail Master Plan is found to be consistent with the Transportation Planning Rule.

**CONCLUSION**

Adoption of the Klamath Falls Urban Trail Master Plan has been found to be consistent with the review criteria for a legislative amendment to the Urban Area Transportation System Plan. The application can, therefore, be approved.

**RECOMMENDED ACTION**

Staff recommends that the Planning Commission adopt the proposed Findings contained in the Staff Report that demonstrate compliance with Klamath County requirements and the State of Oregon, and forward a recommendation of approval to the Klamath County Board of Commissioners.



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Mark Gallagher, Planning Director  
Klamath County Planning Department

**Exhibits:**

Klamath Falls Urban Trail Master Plan

Exhibit 1