



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

09/16/2013

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 004-13

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, September 26, 2013

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

<paa> YA



FORM

2

DLCD

Notice of Adoption

☐ In person ☐ electronic ☐ mailedDATE
STA
P

DEPT OF

SEP 09 2013

LAND CONSERVATION
AND DEVELOPMENT

For Office Use Only

This Form 2 must be mailed to DLCD within **20-Working Days** after the Final Ordinance is signed by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

Jurisdiction: **KLAMATH COUNTY**Local file number: **CLUP/ZC 1-12**Date of Adoption: **8/30/2013**Date Mailed: **9/5/2013**Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? ☒ Yes ☐ No Date: 7/11/2013☐ Comprehensive Plan Text Amendment☒ Comprehensive Plan Map Amendment☐ Land Use Regulation Amendment☒ Zoning Map Amendment☐ New Land Use Regulation☐ Other:

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

Changed the plan map designation from Urban Residential to Industrial and changed the zoning from Suburban Residential to Light Industrial.

Does the Adoption differ from proposal? Please select one

No.

Plan Map Changed from: **Urban Residential**to: **Industrial**Zone Map Changed from: **Suburban Residential**to: **Light Industrial**Location: **Twn. 39S, Rng. 9E, Sec. 15BC TL 1100, 1200 & 1300**Acres Involved: **4**Specify Density: Previous: **1 DU/20,000 sq. ft.**New: **NA**

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Was an Exception Adopted? ☐ YES ☒ NO

Did DLCD receive a Notice of Proposed Amendment...

35-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 ☐ NoDLCD file No. 004-13 (19920) [17600]

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

DEQ - Bend, ODOT - Klamath Falls, City of Klamath Falls Planning & Water and Sewer Utilities, KC Fire District 1

Local Contact: Mark Gallagher, Planning Director	Phone: (541) 851-3668	Extension:
Address: 305 Main St.	Fax Number: 541-885-3644	
City: Klamath Falls	Zip: 97601-	E-mail Address: mgallagher@co.klamath.or.us

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 20 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s) per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on light green paper if available.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption (ORS 197.830 to 197.845).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

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

9. **Need More Copies?** Please print forms on 8½ -1/2x11 green paper only if available. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail plan.amendments@state.or.us.



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09/03/2013 03:16:14 PM

Fee: NO FEE

BEFORE THE KLAMATH COUNTY BOARD OF COMMISSIONERS

IN THE MATTER OF FILE NUMBER CLUP/ZC 1-12

FINAL ORDER

WHEREAS, John and Robyn Kocyla, applicants, requested approval of an amendment to the Comprehensive Plan designation from Urban Residential to Industrial and associated zone change from Suburban Residential (RS) to Light Industrial (IL) on approximately 4.25 acres; and

WHEREAS, the subject properties are described as Tax Lots 1100, 1200 and 1300 in Section 15BC of Township 39 South, Range 9 East Willamette Meridian; and

WHEREAS, the Klamath County Planning Department provided proper notice of a public hearing held on August 28, 2013 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 1-12 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 1-12.

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 change as shown on attached Exhibit A.


The Board of Commissioners also supports a Planning Director Classification of Use Determination that the existing karate studio is a "permitted use" in the Light Industrial Zone.

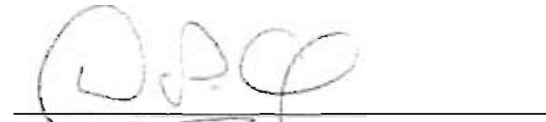
Dated this 30th day of August, 2013

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.

IH
R-3909-009D0-00800-000

R-3909-01600-00100-000

IH
R-3909-01600-00200-000

Change Plan Map designation
to Industrial and zoning to
Light Industrial (IL)

Subject
site



EXHIBIT A
FILE # CWP/2C1-12



09/03/2013 03:17:41 PM

Fee: NO FEE

BOARD OF COUNTY COMMISSIONERS

KLAMATH COUNTY, OREGON

IN THE MATTER OF CHANGING)
THE COMPREHENSIVE PLAN)
MAP DESIGNATION FROM)
URBAN RESIDENTIAL TO)
INDUSTRIAL AND ASSOCIATED)
ZONING FROM SUBURBAN)
RESIDENTIAL TO LIGHT)
INDUSTRIAL (IL) ON 4.25 ACRES)
OF PROPERTY.)

ORDINANCE 44.97

WHEREAS, the Klamath County Board of Commissioners has the authority and desires to amend the Comprehensive Plan Map, and Official Klamath County Zoning Map; 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 August 27, 2013, 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 amendment of the Comprehensive Plan Map, and Zoning Map; and, said recommendation was forwarded to the Klamath County Board of Commissioners; and

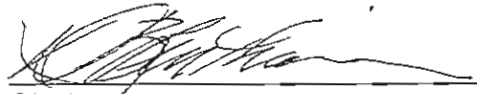
WHEREAS, the Klamath County Board of Commissioners voted to approve the Planning Commission recommendation to amend the Comprehensive Plan Map and Zoning Map; and

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.

1. *The Klamath County Comprehensive Plan - General Land Use Plan Map and Zoning Map are amended as shown on attached Exhibit A.*


DATED this 30th day of August, 2013.

FOR THE BOARD OF COMMISSIONERS


Chairman


Commissioner


Commissioner


County Counsel
Approved as to form

NOTICE OF APPEAL RIGHTS

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IH
R-3909-009D0-00800-000

R-3909-01600-00100-000

IH
R-3909-01600-00200-000

Change Plan Map designation
to Industrial and zoning to
Light Industrial (IL)

Subject
site

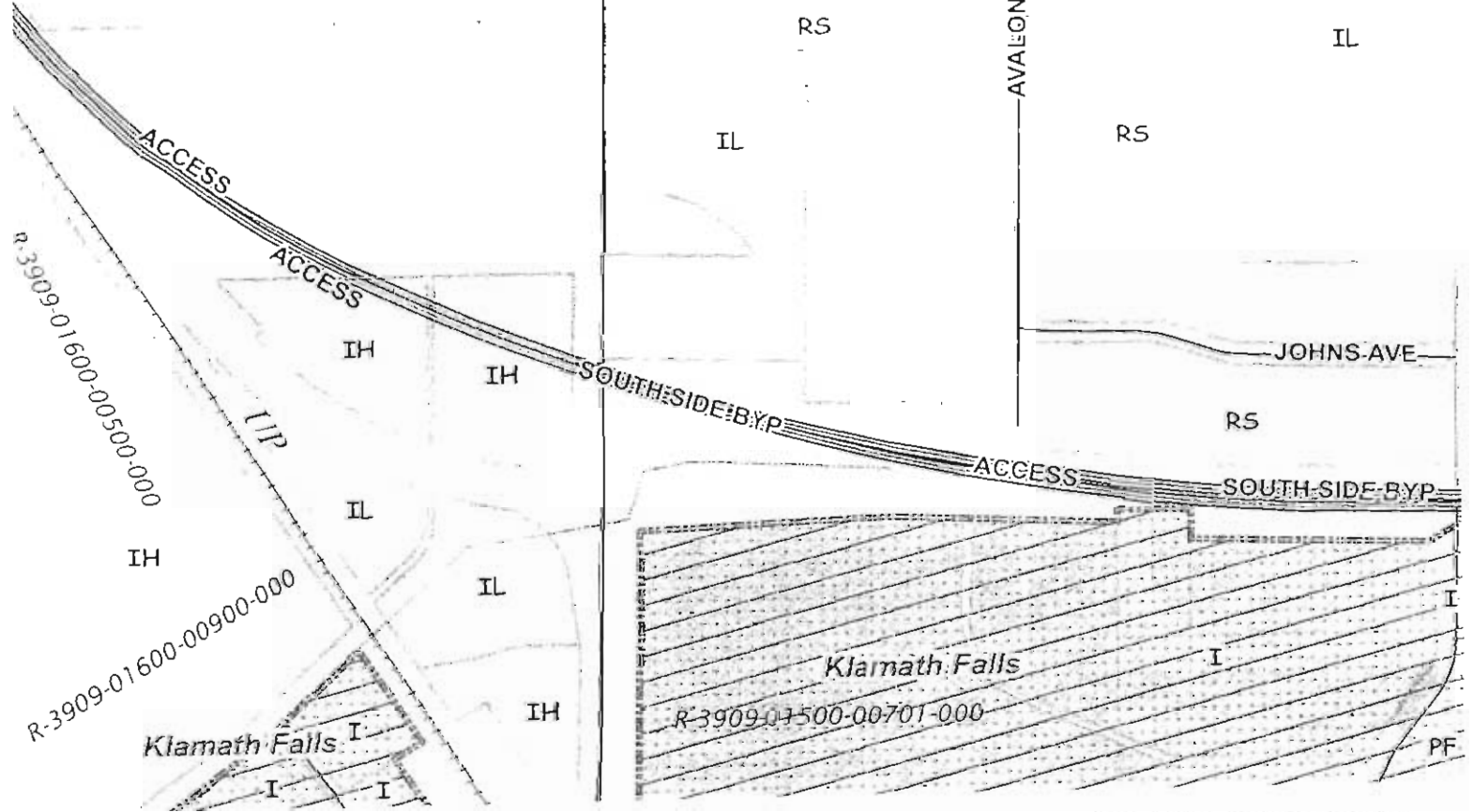


EXHIBIT A
FILE # CWP/ZC 1-12

amath County
anning Department
05 Main Street
amath Falls, OR 97601



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

DEPT OF
SEP 09 2013
LAND CONSERVATION
AND DEVELOPMENT