



Oregon

John A. Kitzhaber, M.D., Governor

Department of Land Conservation and Development

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www.oregon.gov/LCD



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

Date: 08/18/2014
Jurisdiction: Klamath County
Local file no.: CLUP-ZC 3-14
DLCD file no.: 003-14

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 08/15/2014. 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 55 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



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

FOR DLCD USE

File No.: 003-14 {22288}

Received: 8/15/2014

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

Local file no.: **CLUP/ZC 3-14**

Date of adoption: 7/22/2014

Date sent: ^{8/15}~~7/24~~/2014

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): 5/28/2014

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, Interim 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:

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: Limited Use Overlay	Acres added: 68,302	Acres removed:
Location of affected property (T, R, Sec., TL and address): Map Included		

List affected state or federal agencies, local governments and special districts: DLCD, Oregon Dept. of Forestry, ODOT, US Forest Service

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.

Map of area included in the Limited Use Overlay Zone

BEFORE THE KLAMATH COUNTY BOARD OF COMMISSIONERS

IN THE MATTER OF FILE NUMBER CLUP/ZC 3-14

FINAL ORDER

WHEREAS, JWTR, LLC, applicant, proposed to apply the Limited Use Overlay Zone designation to approximately 68,302 acres of property that Klamath County recently designated with the Destination Resort Overlay designation; and

WHEREAS, the Klamath County Planning Department provided proper notice of a public hearing held on July 22, 2014 before the Klamath County Planning Commission and Board of County Commissioners; and

WHEREAS, the applicant submitted said request for the Limited Use Overlay Zone amendment in due form for consideration; and

WHEREAS, based on testimony entered and consideration of the whole record, and making the findings of fact in the application submittal and 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/ZC 3-14.

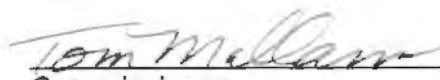
**NOW, THEREFORE, THE KLAMATH COUNTY BOARD OF COMMISSIONERS
ORDER AS FOLLOWS:**

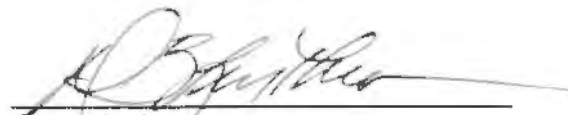
The Klamath County Planning Director shall prepare for adoption by the Board of County Commissioners an ordinance amending the Klamath County Zoning Map by adding the Limited Use Overlay to 68,302 acres recently designated with the Destination Resort Overlay designation as shown on attached Exhibit A.

Dated this 24th day of July, 2014

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.

BOARD OF COUNTY COMMISSIONERS

KLAMATH COUNTY, OREGON

**IN THE MATTER OF APPROVING)
A ZONING MAP AMENDMENT)
TO APPLY A LIMITED USE)
OVERLAY DESIGNATION TO)
68,302 ACRES OF PROPERTY)
RECENTLY DESIGNATED WITH)
THE DESTINATION RESORT)
OVERLAY DESIGNATION.)**

ORDINANCE 44.99

WHEREAS, the Klamath County Board of Commissioners has the authority and desires to amend the 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 legislative public hearing was held on July 22, 2014, 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 Application and Staff Report and recommended approval of the Zoning Map amendment to add the Limited Use Overlay Zone to 68,302 acres recently designated with the Destination Resort Overlay designation; and said recommendation was forwarded to the Klamath County Board of Commissioners; and

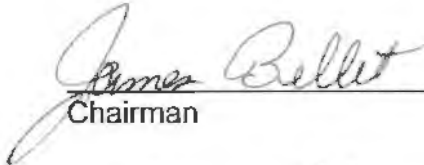
WHEREAS, the Klamath County Board of Commissioners voted to approve the Planning Commission recommendation to amend the Zoning Map by adding the Limited Use Overlay to 68,302 acres; and

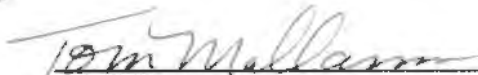
NOW, THEREFORE, the Klamath County Board of Commissioners ordains that the Limited Use Overlay is added to 68,302 acres of property on the adopted Klamath County Zoning Map for those areas recently designated with the Destination Resort Overlay and attached hereto, marked as Exhibit "A," and incorporated herein by reference with the following Condition of Approval.

- 1. This amendment shall not allow any new uses allowed by the Destination Resort Overlay designation until such time as the County removes the Limited Use Overlay in a subsequent post-acknowledgment plan proceeding that determines compliance with the then-applicable provision of the Oregon Transportation Planning Rule (OAR 660-012-0060). The County shall consider this change using the County's procedures and criteria applicable to post-acknowledgment plan amendments set for in the KCLDC.*

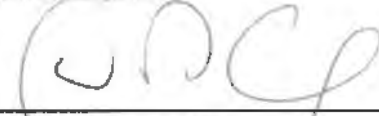
DATED this 24th day of July, 2014.

FOR THE BOARD OF COMMISSIONERS


Chairman


Commissioner


Commissioner


County Counsel
Approved as to form

NOTICE OF APPEAL RIGHTS

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Klamath County, Oregon

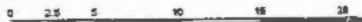
Destination Resort Overlay (DRO)

Proposed New Destination Resort Eligible Lands

N



1 in = 11 miles



This map is a representation of the information provided to the County and is not a guarantee of accuracy. The County is not responsible for any errors or omissions. This map is for informational purposes only and should not be used for legal or financial decisions. The County is not responsible for any damages or losses resulting from the use of this map.

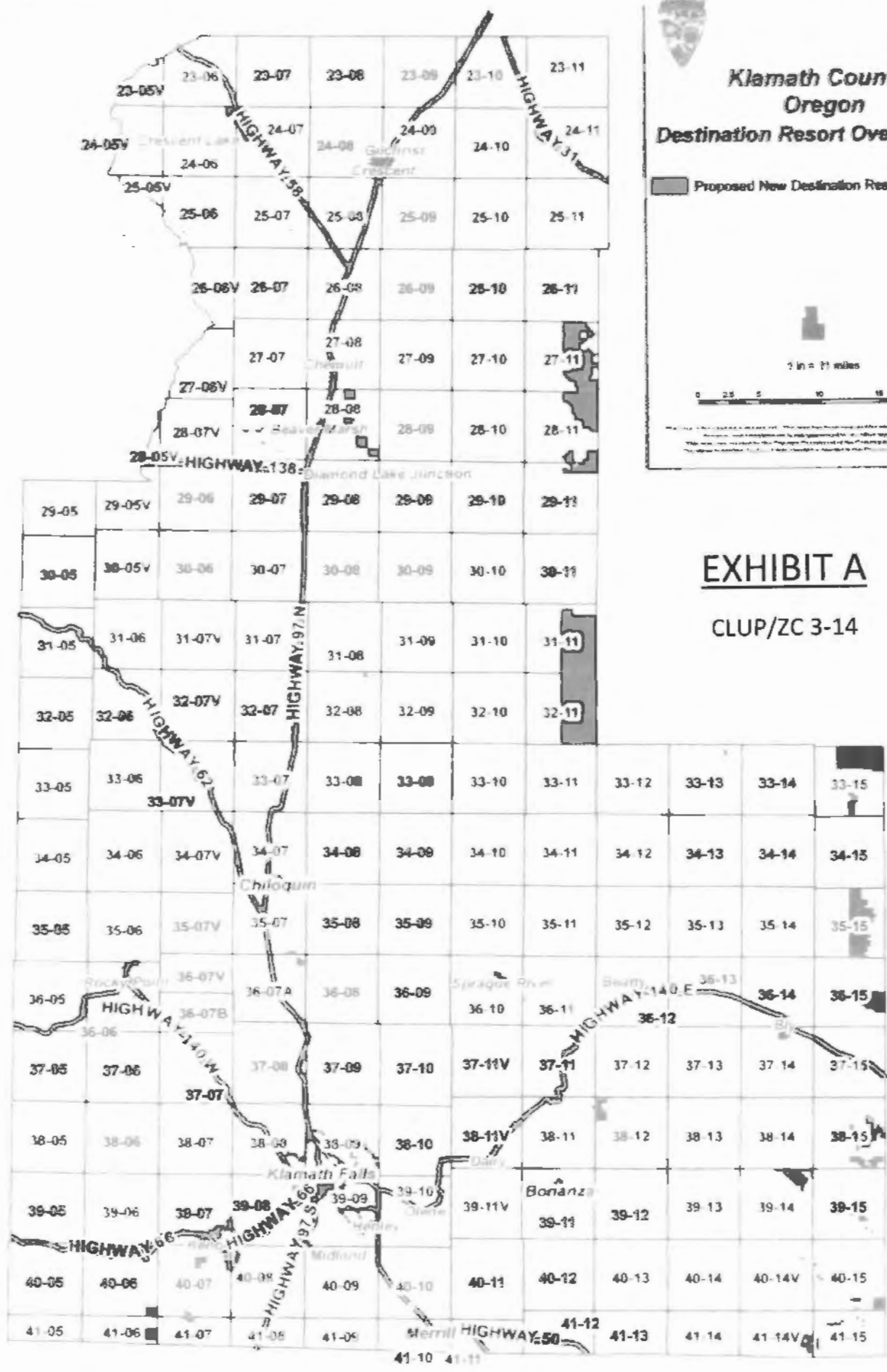


EXHIBIT A
CLUP/ZC 3-14