



# Oregon

Theodore R. Kulongoski, Governor

## Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2524

Phone: (503) 373-0050

First Floor/Coastal Fax: (503) 378-6033

Second Floor/Director's Office: (503) 378-5518

Web Address: <http://www.oregon.gov/LCD>

### NOTICE OF ADOPTED AMENDMENT

April 14, 2006



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 003-06

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: April 18, 2006**

This amendment was submitted to DLCD for review 45 days prior to adoption. Pursuant to ORS 197.625 (1), 197.830 (2), and 197.830 (9) 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 ADOPTED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD.**

Cc: Doug White, DLCD Community Services Specialist  
Mark Radabaugh, DLCD Regional Representative  
Steven Santos, DLCD Economic Development Planning Specialist  
Jim Holycross, Klamath County

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**FORM 2**

**DEPT OF**

**DLCD NOTICE OF ADOPTION**

APR 10 2006

This form must be mailed to DLCD within 5 working days after the final decision  
per ORS 197.610, OAR Chapter 660 - Division 18

**LAND CONSERVATION  
AND DEVELOPMENT**

(See reverse side for submittal requirements)

Jurisdiction: Klamath County Local File No.: CLUP/ZC 2-06  
(if no number, use none)

Date of Adoption: 3/28/06 Date Mailed: 4/7/06  
(Must be filled in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: 1/30/06

- Comprehensive Plan Text Amendment
- Comprehensive Plan Map Amendment
- Land Use Regulation Amendment
- Zoning Map Amendment
- New Land Use Regulation
- Other: \_\_\_\_\_  
(Please Specify Type of Action)

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

The applicant proposes to amend comp plan from Industrial to Residential and to re-zone the property from Light Industrial (IL) to medium Density Residential (RM) on 6.88 acres in the City of Klamath Falls U/B.

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 Residential

Zone Map Changed from: Light Industrial (IL) to medium Density Residential (RM)

Location: 3909-12DB-100 Acres Involved: 6.88 ac.

Specify Density: Previous: n/a New: 1dwelling/5000 sq ft.

Applicable Statewide Planning Goals: 1, 2, 9, 10, 11, 12

Was an Exception Adopted? Yes:  No:

DLCD File No.: 003-06  
(14979)

Did the Department of Land Conservation and Development receive a notice of Proposed Amendment **FORTY FIVE (45) days prior to the first evidentiary hearing.** Yes:  No:

If no, do the Statewide Planning Goals apply. Yes:  No:

If no, did The Emergency Circumstances Require immediate adoption. Yes:  No:

Affected State or Federal Agencies, Local Governments or Special Districts: \_\_\_\_\_

DLCD, ODOT

Local Contact: Jim Holyross Area Code + Phone Number: (541) 883-4200

Address: 305 Main St City: Klamath Falls

Zip Code+4: 97601 Email Address: jholyross@co.klamath.or.us

### **ADOPTION SUBMITTAL REQUIREMENTS**

This form **must be mailed** to DLCD **within 5 working days after the final decision**  
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO (2) Copies of the Adopted Amendment to:  
**ATTENTION: PLAN AMENDMENT SPECIALIST  
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT  
635 CAPITOL STREET NE, SUITE 150  
SALEM, OREGON 97301-2540**
2. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the "Notice of Adoption" is sent to DLCD.
6. In addition to sending the "Notice of Adoption" to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can copy this form on to 8-1/2x11 green paper only ; or call the DLCD Office at (503) 373-0050; or Fax your request to:(503) 378-5518; or Email your request to [Mara.Ulloa@state.or.us](mailto:Mara.Ulloa@state.or.us) - ATTENTION: PLAN AMENDMENT SPECIALIST.

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

**IN THE MATTER OF FILE NUMBER CLUP/ZC 02-06**

**FINAL ORDER**

WHEREAS, Joe J. Bair Jr., applicant, requested approval of an amendment of the COMPREHENSIVE LAND USE PLAN MAP from Industrial (I) to Urban Residential (UR); and a CHANGE OF ZONE from Light Industrial (IL) to Medium Density Residential (RM) for one parcel totaling 6.88 acres, and;

WHEREAS, the COMPREHENSIVE LAND USE PLAN MAP AMENDMENT and ZONE CHANGE would provide for the development of over forty dwellings if all applicable provisions of the Klamath County Comprehensive Plan and Land Development Code are met, and;

WHEREAS, the use is proposed to provide housing opportunities for the community and surrounding area, and;

WHEREAS, the Klamath County Planning Department provided proper notice of public hearings held before the Klamath County Planning Commission and Board of County Commissioners on March 28, 2006, and;

WHEREAS, the Klamath County Planning Commission concluded the proposed changes are consistent with or can be made consistent with the COMPREHENSIVE PLAN through imposition of eight conditions of approval including a site plan controlled Limited Use (LU) overlay to allow up to twenty 10,000 square foot lots on the 6.88 acre property subject to this request and compliance with all requirements and standards of the Klamath County Comprehensive Plan and Land Development Code, and;

WHEREAS, On March 28, 2006, based on testimony entered and consideration of Exhibits A-K, the Klamath County Planning Commission, upon finding the application is in conformance with Articles 47 and 48 of the Klamath County Land Development Code and Comprehensive Plan, recommended approval of File Number CLUP/ZC 02-06, and;

WHEREAS, On March 28, 2006, based on testimony entered and consideration of Exhibits A-K and upon a unanimous recommendation for approval from the Klamath County Planning Commission, the Board of County Commissioners approved the

request of File Number CLUP/ZC 02-06, subject to the conditions and stipulations contained in the record of the proceedings and the specific described below:

1. The provisions of KCLDC ARTICLE 59.820(B)(F); 59.830(A)(C); 59.840 – LIMITED USE OVERLAY, limiting the proposed use to “20 lots of approximately 10,000 square,” per KCLDC ARTICLE 51.740(B), and specifying that this application and the associated Limited Use Overlay are time limited as described in 2, below.
2. This request for a Comprehensive Plan Amendment and Zone Change will expire as follows:
  - A. The Limited Use Overlay and associated CLUP/ZC shall be void after two (2) years of approval if development permits have not been obtained or expired without development being initiated.
  - B. Requests for extension of time for an approved Limited Use Overlay shall be reviewed in accordance with Type I Administrative Review Procedure.
3. The applicant shall submit a Wetland Delineation Report indicating potential buildable area of the property outside of determined and delineated wetlands; or indicate how any identified wetlands can be mitigated to allow subdivision development in the RM Zone.
4. The Final Plat for Tract 1452 shall be recorded and Melissa Lane shall be improved to standards acceptable to Klamath County Public Works and Fire District #1. Melissa Lane shall be established as the legal access point for the subject property before this plan amendment and zone change is approved.
5. The applicant shall submit a housing market analysis documenting the need for additional housing on land zoned medium density residential (RM).
6. All requirements as stated in Exhibit F of the Klamath County Fire District #1 shall be met.
7. All requirements as stated in Exhibit G of the South Suburban Sanitary District shall be met.
8. All requirements as stated in Exhibit H of the County Public Works Department shall be met.

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

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

TOWNSHIP 39S., RANGE 09E., SECTION 012DB TAX LOT 00100 (6.88 acres)  
as a Urban Residential (UR) designation; and

*The Klamath County Zoning Map is amended to include:*

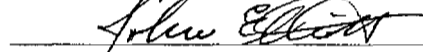
TOWNSHIP 39S., RANGE 09E., SECTION 012DB TAX LOT 00100 (6.88 acres)  
as a Medium Density Residential (RM) zoning designation.

Dated this 5<sup>th</sup> day of ~~March~~ <sup>APRIL</sup>, 2006


FOR THE BOARD OF COMMISSIONERS



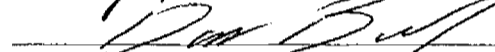
Bill Brown, Chairman



John Elliott, Vice-Chair



Al Switzer, Commissioner



W. Daniel Bunch, 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. Failure to do so in a timely manner may affect your rights.