



# 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/Costal Fax: (503) 378-6033

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

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

### NOTICE OF ADOPTED AMENDMENT

October 20, 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 008-06



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: November 2, 2006**

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  
Mark Radabaugh, DLCD Regional Representative  
Steven Santos, DLCD Economic Development Planning Specialist  
Alwin Turiel, Klamath County

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FORM

# 2 Notice of Adoption

DEPT OF

OCT 16 2006

LAND CONSERVATION AND DEVELOPMENT

STAMP

For DLCD Use Only

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 15-06

Date of Adoption: 10/6/2006 Date Mailed: 10/12/2006

Date original Notice of Proposed Amendment was mailed to DLCD: 6/20/2006

- 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".

**Modification of the county comprehensive plan map and zoning map within the Klamath Falls Urban Growth Boundary to designate approximately 14 acres of land for Light Industrial use. The rezoned property would allow for relocation of a local employer to a site that can accommodate expansion.**

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: Urban Residential to: Industrial

Zone Map Changed from: Med/Hi Density Residential to: Light Industrial

Location: N. of South Side Bypass Acres Involved: 14.27

Specify Density: Previous: Up to 24 DU/acre New: N/A - Employment Use

Applicable Statewide Planning Goals: 1, 2, 9, 10, 12, 14

Was an Exception Adopted?  YES  NO

DLCD File No.: 008-06 (15330)

Did the Department of Land Conservation and Development receive a Notice of Proposed Amendment.....

**Forty-five (45) 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  No

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

**DLCD, Klamath County**

Local Contact: **Alwin Turiel** Phone: **(541) 883-5121** Extension: **3079**

Address: **305 Main Street** City: **Klamath Falls**

Zip Code + 4: **97601-** Email Address: **aturiel@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** - ATTENTION: PLAN AMENDMENT SPECIALIST.

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

**IN THE MATTER OF FILE NUMBER CLUP/ZC 15-06**

**FINAL ORDER**

WHEREAS, Lumbermen's Inc., applicants, requested approval of an amendment to the COMPREHENSIVE LAND USE PLAN MAP and ZONING MAP to redesignate 14.27 acres of land inside the city of Klamath Falls Urban Growth Boundary (UGB) and outside the City Limits of the City of Klamath Falls from High Density Residential (RH) / Medium Density Residential (RM) to Light Industrial (IL); and

WHEREAS, the proposed COMPREHENSIVE PLAN MAP AMENDMENT and ZONE CHANGE would redesignate the above referenced parcels totaling 14.27 acres from residential to industrial uses; and

WHEREAS, the Klamath County Planning Department provided proper notice of the public hearing held before the Klamath County Board of County Commissioners and Planning Commission on July 18 2006; and

WHEREAS, the Klamath County Planning Commission and Board of County Commissioners held a properly advertised public hearing on August 22, 2006; and

WHEREAS, On August 22, 2006, based on testimony entered and consideration of the Klamath County Planning Department Staff Report dated July 30, 2006 and addendum dated August 22, 2006, 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 15-06; and

WHEREAS, On August 22, 2006, the Board of County Commissioners considered all written and oral testimony during its deliberations, 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 15-06; and

WHEREAS, the local land use decision must provide findings that Plan and Zoning map amendments will not "significantly affect" a transportation facility as defined by OAR 660-012-0060(1)(c)(A-C) and the Board of County Commissioners finds that the existing Plan and Zoning designations if developed would generate approximately the same number of trips per day that the proposed Lumbermen's facility is projected to generate; and

WHEREAS, the Board of County Commissioners finds that a Traffic Impact Study will be required at the time of site plan review, which will fulfill the requirements of OAR 660-012-0060 through the development permitting process; and

WHEREAS, the Board of County Commissioners, having approved the COMPREHENSIVE PLAN MAP AMENDMENT and REZONE at the conclusion of the public hearing on August 22, 2006, directed staff to prepare this final written order for their signatures and timely mail notice to parties with standing and the Department of Land Conservation and Development.

NOW, THEREFORE, THE BOARD OF COMMISSIONERS OF KLAMATH COUNTY ORDERS:

*The Klamath County Comprehensive Plan and Zoning Maps are amended as follows:*

TOWNSHIP 39S, RANGE 09E, SECTION 08, TAX LOT 100

TOWNSHIP 39S, RANGE 09E, SECTION 08, TAX LOT 900

TOWNSHIP 38S, RANGE 09E, SECTION 08, TAX LOTS 600 and 1000

(14.27 acres total)

to **Industrial** Comprehensive Plan Map and **Light Industrial (IL)** Zoning Map designation.

Dated this 6<sup>th</sup> day of <sup>October</sup> ~~AUGUST~~ 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 appeal rights.