



# 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 Fax: (503) 378-5518

Third Floor/Measure 37 Fax: (503) 378-5318

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

### NOTICE OF ADOPTED AMENDMENT

October 30, 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 010-06



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 13, 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  
Jon Jinings, DLCD Regional Representative  
Les Wilson, Klamath County

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**2** Notice of Adoption

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 9-06

Date of Adoption: 10/18/2006 Date Mailed: 10/23/2006

Date original Notice of Proposed Amendment was mailed to DLCD: 9/26/2006

- 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".

A 0.90± acre portion of the Applicant's 5.15± acre property is designated Rural Residential in Klamath County Comprehensive Plan and zoned Rural Residential (R-1) with a community Limited Use Overlay (R-2 restrictions) as identified in Klamath County Ordinance 44.74A. The applicant's request is to change the rural residential designation and apply a new Comprehensive Plan Map classification of Rural Unincorporated Community Commercial and Zone Map of Rural Community Commercial (RUC-C) for the subject parcel; the balance of the property exists with RUC-C zoning

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: Rural Residential to: Rural Unincorporated Community Commercial

Zone Map Changed from: R-2 to: RUC-C

Location: 135151 Hwy 97 N (T24S, R08E, Sec36DA) Acres Involved: 0.90 acres

Specify Density: Previous: 1 sfd/ 2 acres New: Zero

Applicable Statewide Planning Goals: \_\_\_\_\_

Was and Exception Adopted?  YES  NO

DLCD File No.: 010-06 (15429)



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:

ODOT, Crescent RFPD, Crescent Ranger District, Crescent Sanitary District, Klamath County

Local Contact: Les Wilson Phone: (541) 883-5121 Extension: 3085

Address: 305 Main Street City: Klamath Falls

Zip Code + 4: 97601- Email Address: lwilson@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 9-06**

**FINAL ORDER**

WHEREAS, Bruce and Donna Hall, applicants, requested approval of an amendment of the COMPREHENSIVE LAND USE PLAN MAP from Rural Residential (RR) to Rural Service Center (RSC); and a CHANGE OF ZONE from Rural Residential (R-1) to Rural Community Commercial (RUC-C); and the removal of the Limited Use Overlay identified in County Ordinance 44.74A, for one parcel totaling 0.89± acres; and,

WHEREAS, the COMPREHENSIVE LAND USE PLAN MAP AMENDMENT and ZONE CHANGE would provide for the development of one 0.89± acre parcel if all applicable provisions of the Klamath County Comprehensive Plan and Land Development Code are met; and;

WHEREAS, the use proposed is to provide consistency identified in Land Use Planning Goals and the opportunities associated for the community and surrounding area; and,

WHEREAS, the Klamath County Planning Department provided proper notice of public hearings held, on September 26, 2006, before the Klamath County Planning Commission and Board of County Commissioners; and,

WHEREAS, the Klamath County Planning Commission concluded the proposed changes are consistent with or can be made consistent with the COMPREHENSIVE PLAN subject to imposition with and compliance to all requirements of Federal, State, and Local law, statutes, rules, and policies; including but not limited to, standards of the Oregon Building Code; the Oregon Fire Code; the Klamath County Comprehensive Plan and Land Development Code; and, the Klamath County Public Works standards, policies and procedures; and, without unique or specified Conditions of Approval; and,

WHEREAS, on September 26, 2006, based on testimony entered and consideration of Proposed Findings of Fact identified within the Staff Report, the Klamath County Planning Commission, upon adoption of said Findings of Fact, find 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 9-06 to the Board of County Commissioners; and,



WHEREAS, on September 26, 2006, based on testimony entered and consideration of Findings of Fact adopted by the Klamath County Planning Commission and upon a unanimous recommendation for approval, the Board of County Commissioners approved the request of File Number CLUP/ZC 9-06, subject to imposition with and compliance to all requirements of Federal, State, and Local law, statutes, rules, and policies; including but not limited to, standards of the Oregon Building Code; the Oregon Fire Code; the Klamath County Comprehensive Plan and Land Development Code; and, the Klamath County Public Works standards, policies and procedures; without unique and specified additional Conditions of Approval; and,

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

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

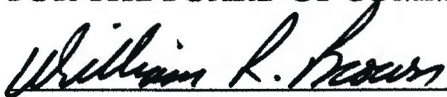
TOWNSHIP 24 South, RANGE 08 East, SECTION 36DA, TAX LOT 00600  
(0.89± acres) as a Rural Service Center (RSC) designation; and,

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

TOWNSHIP 24 South, RANGE 08 East, SECTION 36DA, TAX LOT 00600  
(0.89± acres) as a Rural Community Commercial (RUC-C) zoning designation.

Dated this 18 day of October, 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.