



# 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](http://www.lcd.state.or.us)

### NOTICE OF ADOPTED AMENDMENT

July 24, 2007



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 006-07

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Copies of the adopted plan amendment are available for review at DLCD offices in Salem, the applicable field office, and at the local government office.

Appeal Procedures\*

### **DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: August 7, 2007**

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. 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 DATE SPECIFIED ABOVE.**

Cc: Doug White, DLCD Community Services Specialist  
Jon Jinings, DLCD Regional Representative  
Les Wilson, Klamath County

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**FORM 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

**DEPT OF**  
**JUL 18 2007**  
**LAND CONSERVATION AND DEVELOPMENT**  
For DLCD Use Only

Jurisdiction: Klamath County Local file number: CLUP/ZC 4-07  
Date of Adoption: 7/11/2007 Date Mailed: 7/17/2007  
Date original Notice of Proposed Amendment was mailed to DLCD: 5/17/2007

- 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".  
**Applicant requests Comp/Zone change for residential zoned parking area for (commercial zoned) restaurant. Restaurant is a long term permitted use. Applicant requests this amendment to permit site/building modifications for compliance with ADA requirements (building code setbacks are a barrier to compliance). Site is located in a rural unincorporated community with OR Hwy 140 E frontage. Parking is in the rear. Upon rezone, the applicant proposed lot line vacation.**

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 Community Residential to: Rural Community Commercial  
Zone Map Changed from: Rural Community Residential to: Rural Community Commercial  
Location: R-3614-034DB-01400-000 (Rural Community of Bly) Acres Involved: 0.51 ac  
Specify Density: Previous: 1-dwelling/ per ac New: Worker residential  
Applicable Statewide Planning Goals: 1, 2, 5, 6, 7, 8, 9, 10, 11, 12, 13, & 14

Was and Exception Adopted?  YES  NO

DLCD File No.: 006-07 (16117)

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:

**Klamath County, ODOT, Bly Rural Fire District**

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 4-07**

**FINAL ORDER**

WHEREAS, David & Theresa Cowan, applicants, requested approval of a quasi-judicial amendment of the COMPREHENSIVE LAND USE PLAN MAP for an approximately 0.51± acre property from Rural Community Residential (RCR) to General Commercial (CG); and a CHANGE OF ZONE from Rural Community Residential (RCR) to Rural Community Commercial (RUC-C); and

WHEREAS, the amendments will be applied subject to all applicable provisions of the Klamath County Comprehensive Plan and Land Development Code; and

WHEREAS, the use proposed supports Statewide Land Use Planning Goal 9 (County Economy) and Goal 14 (Urbanization) providing associated opportunities for the community and surrounding area; and

WHEREAS, the Klamath County Planning Department provided proper notice of a public hearing held on June 26, 2007 before the Klamath County Planning Commission and Board of County Commissioners; and

WHEREAS, the Klamath County Planning Commission deliberated to a decision, concluding the proposed changes are consistent with or can be made consistent with the COMPREHENSIVE PLAN subject to compliance with 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

WHEREAS, on June 26, 2007, based on testimony entered and consideration of the whole record, including the proposed Findings of Fact identified in the Staff Report, the Klamath County Planning Commission adopted as its own the Findings of Fact provided in the Staff Report. Based upon its Findings of Fact, the Klamath County Planning Commission concluded the application is in conformance with Articles 47 and 48 of the Klamath County Land Development Code and Comprehensive Plan, and recommended approval of File Number CLUP/ZC 4-07 to the Board of County Commissioners; and

WHEREAS, on June 26, 2007, based on testimony entered and consideration of the Findings of Fact adopted by the Klamath County Planning Commission and upon a unanimous recommendation for approval, the Board of County Commissioners APPROVED File Number CLUP/ZC 4-07.

**NOW, THEREFORE, THE BOARD OF COMMISSONERS OF KLAMATH COUNTY  
ORDERS AS FOLLOWS:**

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


TOWNSHIP 36 South, RANGE 14 East, SECTION 34DB, TAX LOT 01400 (0.51±  
acres) as a General Commercial (CG) designation; and,

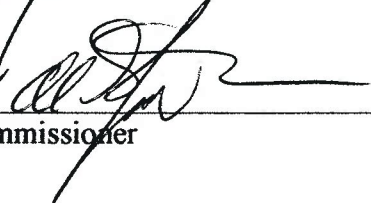
***The Klamath County Zoning Map is amended to include:***


TOWNSHIP 36 South, RANGE 14 East, SECTION 34DB, TAX LOT 01400 (0.51±  
acres) as a Rural Community Commercial (RUC-C) zoning designation.


Dated this 11 day of July, 2007

**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.