



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

AMENDED NOTICE OF ADOPTED AMENDMENT

August 20, 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 007-06



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: August 31, 2007

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.

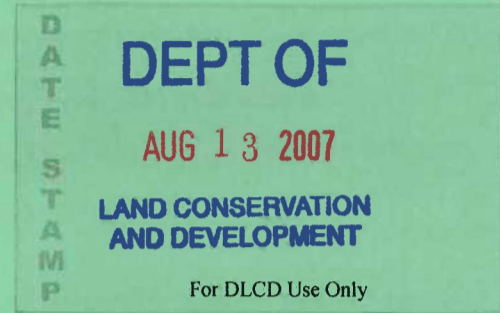
***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.**

Cc: Doug White, DLCD Community Services Specialist
Mark Radabaugh, DLCD Regional Representative
Les Wilson, Klamath County

<paa> ya/

PROF 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 7-06
Date of Adoption: 8/8/2007 Date Mailed: 8/10/2007
Date original Notice of Proposed Amendment was mailed to DLCD: 1/29/2007

- 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 comprehensive plan and map change on ^{19.12±}12.62 acres from Industrial/Light Industrial to General Commercial/General Commercial. *Heavy*

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: General Commercial

Zone Map Changed from: Light Industrial Heavy to: General Commercial

Location: 4141 Washburn Way, SE of intersection of Washburn & Bristol Acres Involved: ^{19.12±}12.62 acres

Specify Density: Previous: None New: None

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.: 007-06 (15108)

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, ODOT, KCFD #1

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 7-06

FINAL ORDER

WHEREAS, Capri Properties, applicants, requested approval of a quasi-judicial amendment of the COMPREHENSIVE LAND USE PLAN MAP for an approximately 19.12± acre property from Industrial (I) to General Commercial (CG); and a CHANGE OF ZONE from Heavy Industrial (IH) to General Commercial (CG); and

WHEREAS, the subject property is described as Tax Lot 00101, in Section 10CC of Township 39 South, Range 09 East Willamette Meridian and identified as Tax Account R18091, unaddressed Bristol Avenue, located within the unincorporated area of the Klamath Falls Urban Growth Boundary; 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 July 24, 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; and, with two stipulated (pre-development permit) Conditions of Approval requiring the applicant provide the Klamath County Planning Department with copies of 1) a County Clerk recorded meets and bounds description of the revised plan and zoning district designation areas with map(s) and 2) a traffic mitigation agreement between the owner and Klamath County recorded with the County Clerk; and,

WHEREAS, on July 24, 2007, based on testimony entered and consideration of substantial evidence in 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 and Conclusions of Law 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, recommending approval of File Number CLUP/ZC 7-06 to the Board of County Commissioners; and

WHEREAS, on July 24, 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 7-06.

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

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

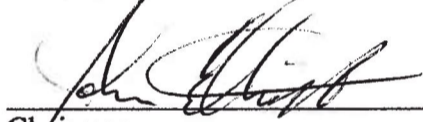
TOWNSHIP 39 South, RANGE 09 East, SECTION 10CC, TAX LOT 00101 (19.12± acres) as a General Commercial (CG) designation; and,

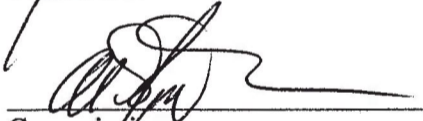
The Klamath County Zoning Map is amended to include:

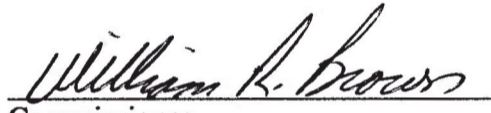
TOWNSHIP 39 South, RANGE 09 East, SECTION 10CC, TAX LOT 00101 (19.12± acres) as a General Commercial (CG) zoning designation.


Dated this 8th day of August, 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.