



# 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

## NOTICE OF ADOPTED AMENDMENT

June 20, 2008



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 010-08

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: July 11, 2008**

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  
Leslie Wilson, Klamath County

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# 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 11-08 Ord.45.70**

Date of Adoption:

Date Mailed: **6/20/2008**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: 4/29/2008

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

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

Amend Conditional Use Permit review procedure for Klamath County Land Development Code Article 44.020(A) to include new section #3 - stating, in the absence of a Hearing's Officer, the Planning Director shall provide for a Type II Review, as prescribed per Article 22.

Does the Adoption differ from proposal? No, no explanation is necessary

Plan Map Changed from: **N/A**

to: **N/A**

Zone Map Changed from: **N/A**

to: **N/A**

Location: **Klamath County**

Acres Involved: **0**

Specify Density: Previous: **N/A**

New: **N/A**

Applicable statewide planning goals:

- |                                     |                                     |                          |                          |                          |                          |                          |                          |                          |                          |                          |                          |                          |                          |                          |                          |                          |                          |                          |
|-------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| <b>1</b>                            | <b>2</b>                            | <b>3</b>                 | <b>4</b>                 | <b>5</b>                 | <b>6</b>                 | <b>7</b>                 | <b>8</b>                 | <b>9</b>                 | <b>10</b>                | <b>11</b>                | <b>12</b>                | <b>13</b>                | <b>14</b>                | <b>15</b>                | <b>16</b>                | <b>17</b>                | <b>18</b>                | <b>19</b>                |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Was an Exception Adopted?  YES  NO

Did DLCD receive a Notice of Proposed Amendment...

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

DLCD file No. 010-08 (16874)

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Klamath County

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Local Contact: **Leslie C. Wilson, Planning Director**      Phone: (541) 883-5121      Extension: 3079  
Address: **305 Main Street**      Fax Number: 541-885-3644  
City: **Klamath Falls**      Zip: 97601      E-mail Address: **Lwilson@co.klamath.or.us**

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## **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 Complete Copies** (documents and maps) 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. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: **webserver.lcd.state.or.us**. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing **mara.ulloa@state.or.us**.
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 now access these forms online at **<http://www.lcd.state.or.us/>**. Please print on **8-1/2x11 green paper only**. You may also 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.

**BOARD OF COUNTY COMMISSIONERS**

**KLAMATH COUNTY, OREGON**

**IN THE MATTER OF AMENDING ARTICLE )  
44.020(A), KLAMATH COUNTY LAND )  
DEVELOPMENT CODE, HEARINGS ) ORDINANCE 45.70  
OFFICER REVIEW PROCEDURE )  
\_\_\_\_\_)**

**WHEREAS**, the Klamath County Board of Commissioners has the authority to amend the Land Development Code (KCLDC); and

**WHEREAS**, the Klamath County Planning Director desires to amend the Land Development Code; and

**WHEREAS**, a legislative public hearing was held on May 27, 2008; and, Staff Report was provided; and, public testimony was considered before the Klamath County Planning Commission; and, the Planning Commission recommended approval to amend the KCLDC; and, said recommendation was forwarded to the Klamath County Board of Commissioners; and

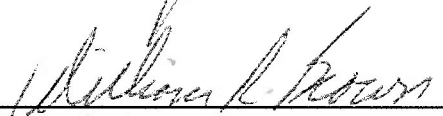
**WHEREAS**, the Klamath County Board of Commissioners have held a public hearing and have determined that it is in the best interest of Klamath County to amend Article 44.020(A), Hearings Officer Review Procedure, of the Klamath County Land Development Code by Order of the Klamath County Board of Commissioners;


**NOW, THEREFORE**, the Klamath County Board of Commissioners ordains that the amendments to the adopted Klamath County Land Development Code which are attached hereto, marked Exhibit "A", "Article 44.020(A)(3)," and incorporated herein by reference are hereby adopted.


DATED this 17<sup>th</sup> day of June, 2008.

**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 by mail at 550 Capitol Street NE, Suite 235, Salem Oregon 97301-2552). Failure to do so in a timely manner may affect your rights.

# Exhibit #A

## ARTICLE 44 CONDITIONAL USE PERMIT

### **44.020 - REVIEW PROCEDURE**

Applications for a Conditional Use Permit shall be reviewed as follows:

#### A. Hearings Officer Review Procedure (Article 24)

1. Conditional Use Permit applications for any use located outside the Urban Growth Boundary except for those in conjunction with a subdivision or planned unit development or any application for mining and/or mineral processing; or
2. Extensive Impact Services and Utilities involving land within the Urban Growth Boundary.

**3. In the absence of a Hearings Officer, the Planning director shall provide for a Type II Review, as prescribed per Article 22.**

#### B. Type II Administrative Review Procedure (Article 22)

Conditional Use Permit applications for all uses within the Urban Growth Boundary except for Extensive Impact Services and Utilities involving land located within an Urban Growth Boundary and those in conjunction with a subdivision or planned unit development.

#### C. Planning Commission Review Procedure (Article 26)

An application for a Conditional Use Permit in conjunction with a subdivision or planned unit development inside or outside the Urban Growth Boundary.

**{KCLDC Article 45.020(A)(3) added – no text deleted}**