



Oregon

Theodore R. Kubongski, 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

02/12/2009

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 005-08

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: Tuesday, March 03, 2009

This amendment was submitted to DLCD for review 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 THAT IT WAS MAILED TO DLCD. AS A RESULT, YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.

Cc: Alyssa Boles, Klamath County
Doug White, DLCD Community Services Specialist
Jon Jinings, DLCD Regional Representative

<paa> YA

DLCD

Notice of Adoption

In person electronic mailed

DATE STAMP

DEPT OF

FEB 11 2009

LAND CONSERVATION AND DEVELOPMENT

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 10-08**

Date of Adoption: **12/31/2008**

Date Mailed: **2/10/2009**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: 9/15/2008

- 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".

Applicants wish to change the Comprehensive Plan designation from General Commercial to Urban Residential and change the zoning from General Commercial to Suburban Residential. A limited use overlay is placed on the property to limit further partitioning to four 1-acre parcels.

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

Plan Map Changed from: **General Commercial**

to: **Urban Residential**

Zone Map Changed from: **General Commercial**

to: **Suburban Residential**

Location: **Vermont Street, in Klamath Falls, OR**

Acres Involved: **4**

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

New: **1 sfd/lot**

Applicable statewide planning goals:

- | | | | | | | | | | | | | | | | | | | |
|-------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|-------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 |
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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 #005-08 (16731) [15392]

DLCD file No. _____

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

DLCD, Klamath County, KCFD #1, South Suburban Sanitary District, City of Klamath Falls

Local Contact: Alyssa Boles

Phone: (541) 883-5121 Extension: 3020

Address: 305 Main Street

Fax Number: 541-885-3644

City: Klamath Falls

Zip: 97601-

E-mail Address: aboles@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 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.

BEFORE THE BOARD OF COMMISSIONERS of KLAMATH COUNTY

IN THE MATTER OF FILE NUMBER CLUP/ZC 10-08

FINAL ORDER

WHEREAS, Merle and Susan Jackson and Joan McElroy, applicants, and Tru-Line Surveying, agent, and Michael Spencer, attorney, requested approval of a quasi-judicial amendment of the COMPREHENSIVE LAND USE PLAN MAP from General Commercial (CG) to Urban Residential (UR); and a CHANGE OF ZONE from General Commercial (CG) to Suburban Residential (RS) on a 4.26± acre property; and

WHEREAS, the subject property is described as Tax Lots 00400 and 00500, in Section 01DC of Township 39 South, Range 09 East Willamette Meridian and identified as Tax Account R510343, located within the unincorporated area of the Klamath Falls Urban Growth Boundary; and,

WHEREAS, the Klamath County Planning Department provided proper notice of a public hearing held on December 16, 2008 before the Klamath County Planning Commission and Board of County Commissioners; 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 (Economic Development), Goal 10 (Housing), Goal 12 (Transportation), and Goal 14 (Urbanization), providing associated opportunities for the community and surrounding area; 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 imposition of a Limited Use Overlay on the subject parcels, which restricts future division to four (4) lots with 4 homes, being one (1) dwelling per lot; and

WHEREAS, on December 16, 2008, 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 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, and forwarding a recommendation of Approval for Planning File CLUP/ZC 10-08 to the Board of County Commissioners; and

WHEREAS, on December 16, 2008, 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 Planning File CLUP/ZC 10-08.

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 39 South, RANGE 09 East, SECTION 01DC, TAX LOTS 00400 and 00500 (4.26 ± acres) as an Urban Residential (UR) designation; and,

The Klamath County Zoning Map is amended to include:

TOWNSHIP 39 South, RANGE 09 East, SECTION 01DC, TAX LOTS 00400 and 00500 (4.26 ± acres) as a Suburban Residential (RS) designation.

This application is subject to the following conditions:


- 1. A Limited Use Overlay is adopted in conjunction with this application in accordance with KCLDC Article 59.8. The Limited Use Overlay will limit any future development to four (4) lots and four (4) dwellings, being one (1) dwelling per lot, as proposed by the applicant in their submitted application. Further development beyond the conditioned amount requires an agreement with Klamath County and Oregon Department of Transportation for intersection mitigation for South 6th Street, Hilyard Avenue, and Vermont Street for traffic improvements, etc.*
- 2. The Limited Use Overlay is not to be removed unless the mitigation agreement is perfected and a public hearing before the Klamath County Board of Commissioners and the Planning Commission is held and an affirmative decision to remove is ordered.*

Dated this 31 day of December, 2008

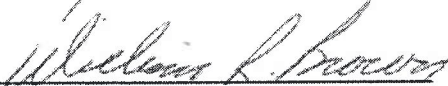
FOR THE BOARD OF COMMISSIONERS




Chairman



Commissioner



Commissioner

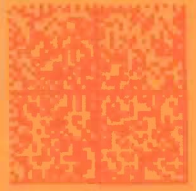


County Counsel
Approved as to form

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

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02/10/2009
Mailed From 97601
US POSTAGE



Attn: Plan Amendment Specialist
DLCD
635 Capitol St NE, Ste 150
Salem, OR 97301-2540

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