



# Oregon

Theodore R. Kubongoski, 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

10/19/2009

**TO:** Subscribers to Notice of Adopted Plan  
or Land Use Regulation Amendments

**FROM:** Plan Amendment Program Specialist

**SUBJECT:** Klamath County Plan Amendment  
DLCD File Number 006-09

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:** Thursday, October 29, 2009

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 THAT IT WAS MAILED TO DLCD. AS A RESULT, YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.

**Cc:** Leslie Wilson, Klamath County  
Gloria Gardiner, DLCD Urban Planning Specialist  
Jon Jinings, DLCD Regional Representative

<paa> YA

FORM 2

# DLCD

## 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

DATE STAMP	<input type="checkbox"/> In person	<input type="checkbox"/> electronic	<input type="checkbox"/> mailed
	<b>DEPT OF</b>		
	<b>OCT 13 2009</b>		
	For DLCD Use Only <b>LAND CONSERVATION AND DEVELOPMENT</b>		

Jurisdiction: **KLAMATH**

Local file number: **CLUP/ZC 4-09**

Date of Adoption: **7/2/2009**

Date Mailed: **9/24/2009**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Select one** Date:

- |  |  |
|--|--|
| <input type="checkbox"/> Comprehensive Plan Text Amendment | <input checked="" type="checkbox"/> Comprehensive Plan Map Amendment |
| <input type="checkbox"/> Land Use Regulation Amendment     | <input checked="" type="checkbox"/> Zoning Map Amendment             |
| <input type="checkbox"/> New Land Use Regulation           | <input type="checkbox"/> Other:                                      |

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

Comprehensives Plan Amendment and Zone Change from Rural Residential to Transportation Commercial for Chemult Train Station (inside the Chemult Rural Community Boundary)

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

Plan Map Changed from: **Rural Residential** to: **Commercial**

Zone Map Changed from: **R5** to: **CT**

Location: **Hwy 97 Chemult across from the Pilot Truck Stop** Acres Involved: **1**

Specify Density: Previous: **1** New: **Worker Res**

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 checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input 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"/> |

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.** \_\_\_\_\_

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

ODOT, ODOT Rail, Chemult Fire District, US Forest Service, Klamath County School District.

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Local Contact: **Leslie 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.

COPY

**BEFORE THE BOARD OF COMMISSIONERS  
of KLAMATH COUNTY**

2009 JUN 10 AM 10:05

**IN THE MATTER OF FILE NUMBER CLUP/ZC 4-09**

**FINAL ORDER**

WHEREAS, Klamath County, applicant, requested approval of a legislative amendment of the COMPREHENSIVE LAND USE PLAN MAP from Residential (R) to Commercial (C); and a CHANGE OF ZONE from Rural Residential (R-5) to Transportation Commercial (CT) on ± 0.33 acres; and

WHEREAS, the subject property is described as Tax Lots 02400, 02500, a portion of 02700, and a vacated public road in Section 21CB of Township 27 South, Range 8 East Willamette Meridian and identified as Tax Accounts R751760, R751779, and R585138; and,

WHEREAS, the Klamath County Planning Department provided proper notice of a public hearing held on June 23, 2009 before the Klamath County Planning Commission and Board of County Commissioners; and

WHEREAS, 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 concluded the application was in conformance with Articles 47 and 48 of the Klamath County Land Development Code and Comprehensive Plan, and forwarded a unanimous recommendation of Approval for Planning File CLUP/ZC 4-09 to the Board of County Commissioners; and

WHEREAS, based on testimony entered and consideration of the whole record, including the proposed Findings of Fact identified in the Staff Report, the Board of County Commissioners APPROVED Planning File CLUP/ZC 4-09, without conditions.

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

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

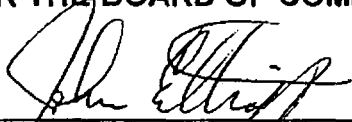
*TOWNSHIP 27 South, RANGE 08 East, SECTION 21CB, TAX LOTS 02400, 02500, and a portion of 02700, as a Commercial (C) designation; and,*

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

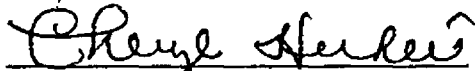
*TOWNSHIP 27 South, RANGE 08 East, SECTION 21CB, TAX LOTS 02400, 02500, and a portion of 02700, as a Commercial Transportation (CT) designation.*


Dated this 2<sup>nd</sup> day of <sup>July</sup> ~~June~~, 2009

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.



Klamath County Planning  
305 Main Street  
Klamath Falls, OR 97601

049J82030494

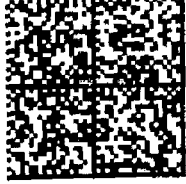
\$00.610

10/08/2009

Mailed From 97601

US POSTAGE

neopost



ATTENTION: PLAN AMENDMENT SPECIALIST  
DEPT OF LAND CONSERVATION & DEVELOPMENT  
635 CAPITOL STREET, NE, SUITE 150  
SALEM, OR 97301-2540

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