



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

7/19/2010

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 013-09

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, July 29, 2010

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 Acknowledgment or 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. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Mayor Floyd Hescoek, Klamath County
Jon Jinings, DLCD Community Services Specialist
Jon Jinings, DLCD Regional Representative
Gloria Gardiner, DLCD Urban Planning Specialist
Angela Lazarean, DLCD Urban Planner
Bill Holmstrom, DLCD Transportation Planner

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FORM **2**

DLCD

Notice of Adoption

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

In person electronic mailed

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**LAND CONSERVATION
AND DEVELOPMENT**

For Office Use Only

Jurisdiction: **Klamath County**

Local file number: **CLUP/ZC 1-10**

Date of Adoption: **5/3/2010**

Date Mailed: **7/7/2010**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: **1/27/2010**

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other: **UGB Amendment - Chiloquin**

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

7.69 acres of private property and 3.43 acres of Highway 97 right-of-way was added to the City of Chiloquin urban growth boundary to accomodate a sewer hook-up need at Melita's Restaurant, Motel and RV Park on Highway 97.

Does the Adoption differ from proposal?

No, no explanation is necessary.

Plan Map Changed from: **No Change**

to: **N/A**

Zone Map Changed from: **No Change**

to: **N/A**

Location: **Klamath County**

Acres Involved: **11.1**

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

New:

Applicable statewide planning goals:

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

DLCD, Klamath County, City of Chiloquin

Local Contact: **Mark Gallagher, Planner III**

Phone: **(541) 883-5121** Extension: **3064**

Address: **305 Main Street**

Fax Number: **541-885-3644**

City: **Klamath Falls**

Zip: **97601-**

E-mail Address: **mgallagher@co.klamath.or.us**

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s)
per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting, please print this **Form 2** on **light green paper if available**.
3. Send this Form 2 and **One (1) Complete Paper Copy and One (1) Electronic Digital CD** (documents and maps) of the Adopted Amendment to the address in number 6:
4. **Electronic Submittals: Form 2 – Notice of Adoption will not be accepted via email or any electronic or digital format at this time.**
5. The Adopted Materials must include the final decision signed by the official designated by the jurisdiction. The Final Decision must include approved signed ordinance(s), finding(s), exhibit(s), and any map(s).
6. **DLCD Notice of Adoption must be submitted in One (1) Complete Paper Copy and One (1) Electronic Digital CD via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.** (for submittal instructions, also see # 5)] **MAIL the PAPER COPY and CD 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**

7. Submittal of this Notice of Adoption must include the signed ordinance(s), finding(s), exhibit(s) and any other supplementary information (see ORS 197.615).
8. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) of adoption (see ORS 197.830 to 197.845).
9. In addition to sending the Form 2 - Notice of Adoption to DLCD, please notify persons who participated in the local hearing and requested notice of the final decision at the same time the adoption packet is mailed to DLCD (see ORS 197.615).
10. **Need More Copies?** You can now access these forms online at <http://www.lcd.state.or.us/>. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518.

BOARD OF COUNTY COMMISSIONERS

KLAMATH COUNTY, OREGON

IN THE MATTER OF AMENDING)
THE CITY OF CHILOQUIN) **ORDINANCE 44.82**
URBAN GROWTH BOUNDARY)
IN THE KLAMATH COUNTY)
COMPREHENSIVE PLAN)

WHEREAS, the Klamath County Board of Commissioners has the authority to create, amend, modify, or repeal county law or code by Ordinance; and

WHEREAS, the Klamath County Board of Commissioners has the authority and desires to amend the Comprehensive Plan; and

WHEREAS, the Klamath County Interim Planning Director was directed by Final Order (CLUP/ZC 1-10) signed by the Board of County Commissioners to draft for signature an Ordinance; and

WHEREAS, an Ordinance was drafted for the purpose of amending the City of Chiloquin urban growth boundary as requested by the applicant/landowner.

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

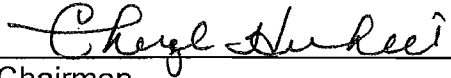
1. *The Klamath County Comprehensive Plan - General Land Use Plan Map and Zoning Map are amended by including the following property within the urban growth boundary of the City of Chiloquin.*

Description

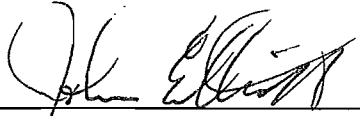
Exhibit A attached (Tax Lots 700 and 701 of Township 34 South, Range 07 East, Section 33).

DATED this 3rd day of May, 2010.

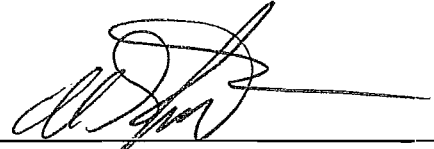
FOR THE BOARD OF COMMISSIONERS



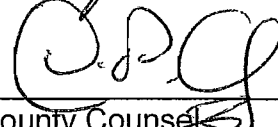
Chairman



Commissioner



Commissioner



County Counsel
Approved as to form

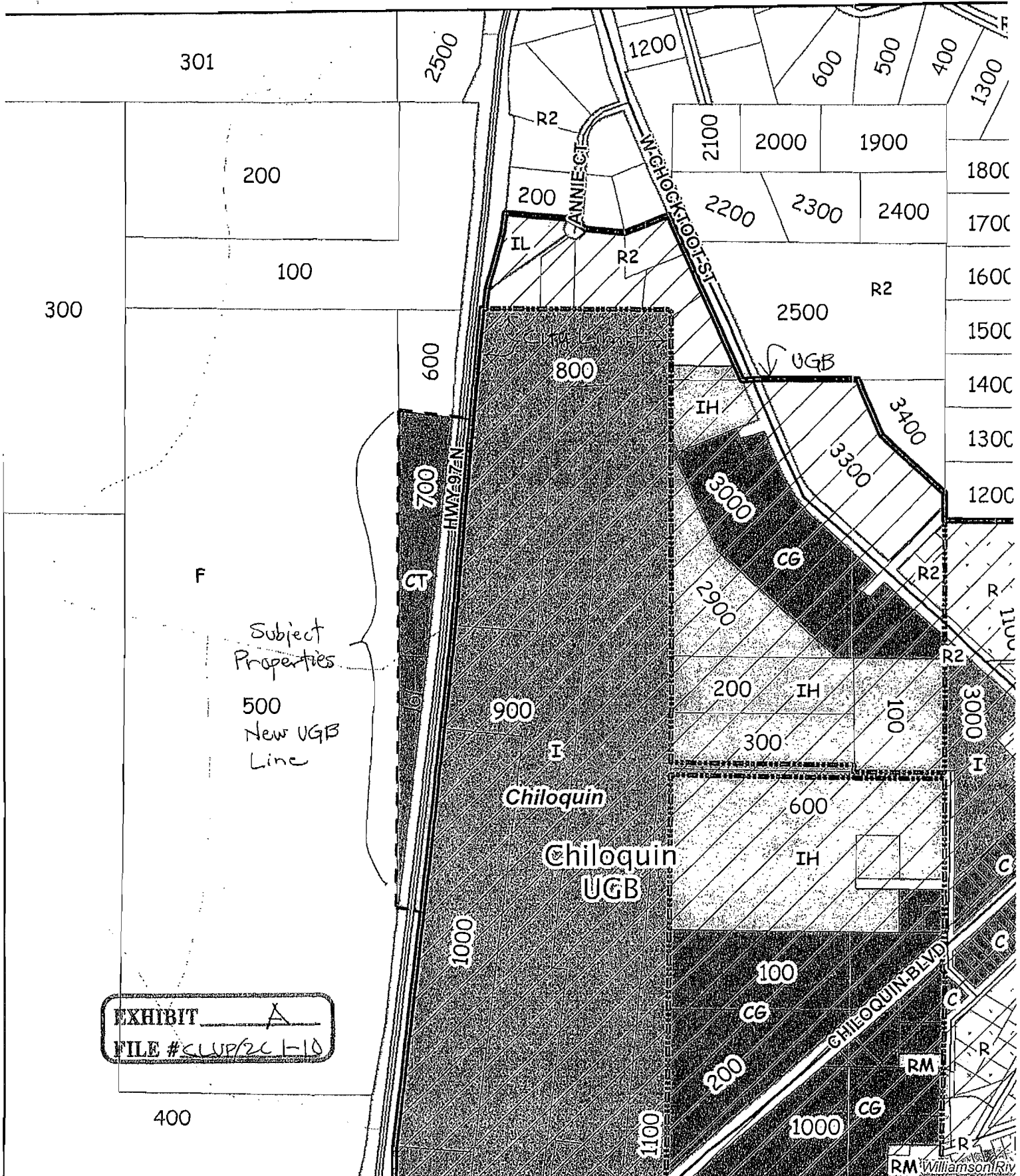
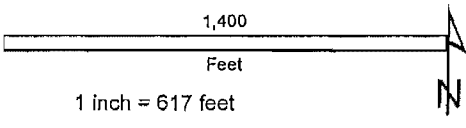


EXHIBIT A
 FILE # CLUP/26-10

Subject Properties
 500
 New UGB Line

Klamath County



Date Printed: _____

This map is for planning purposes only. This map has been prepared for internal use by Klamath County or Accuracy and completeness is not guaranteed to any other agency, public or private.

BEFORE THE KLAMATH COUNTY BOARD OF COMMISSIONERS

IN THE MATTER OF FILE NUMBER CLUP/ZC 1-10

FINAL ORDER

WHEREAS, Peter M. Bourdet, applicant, represented by Adkins Consulting Engineers, Inc., requested approval of an urban growth boundary amendment for the City of Chiloquin by adding approximately 7.69 acres of private property (Melitas) and 3.43 acres of Highway 97 right-of-way; and

WHEREAS, the subject property is described in attached Exhibit A (Tax Lots 700 & 701, in Section 33 of Township 34 South, Range 07 East Willamette Meridian); and,

WHEREAS, the Klamath County Planning Department provided proper notice of a public hearing held on February 23, 2010 before the Klamath County Planning Commission and Board of County Commissioners; and

WHEREAS, the applicant submitted said request for the urban growth boundary amendment in due form for consideration; 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 State Law, Klamath County Land Development Code and Comprehensive Plan, and forwarded a unanimous recommendation of Approval for Planning File CLUP/ZC 1-10 to the Board of County Commissioners; and

WHEREAS, based on testimony entered and after consideration of the whole record; and, with a unanimous recommendation from the Klamath County Planning Commission the Klamath County Board of Commissioners acting within their authority, agreed with Staff's Findings of Fact and unanimously APPROVED Planning File CLUP/ZC 1-10.

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

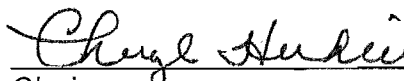
The Klamath County Interim Planning Director shall draft for adoption by the Board of County Commissioners an ordinance amending the Klamath County Comprehensive Plan - General Land Use Plan Map and Zoning Map to show that the following properties are included within the urban growth boundary of the City of Chiloquin:


Description

Exhibit A attached (TAX LOTS 700 and 701 of TOWNSHIP 34 South, RANGE 07 East, SECTION 33).

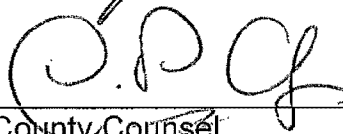
Dated this 3rd day of ^{May} March, 2010

FOR THE BOARD OF COMMISSIONERS


Chairman


Commissioner


Commissioner

 4/22/10
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.

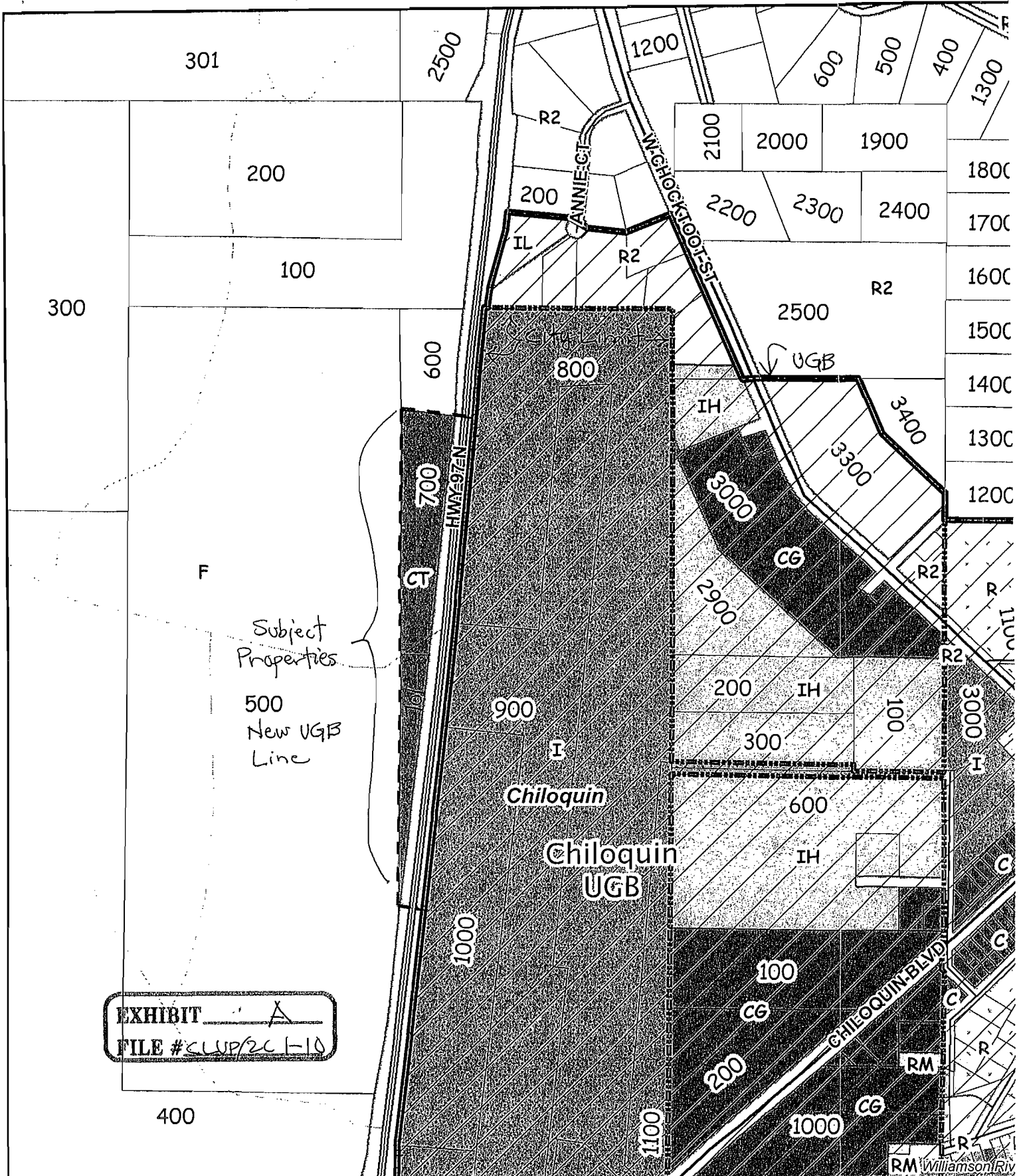
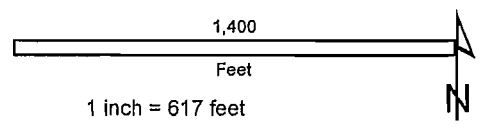


EXHIBIT A
FILE #CLUP/2C-10

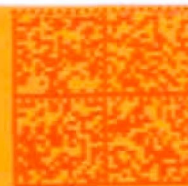
Klamath County



Date Printed: _____

This map is for planning purposes only. This map has been prepared for internal use by Klamath County or Accuracy and completeness is not guaranteed to any other agency, public or private.

Klamath County
Planning Department
305 Main Street
Klamath Falls, OR 97601



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07/08/2010

Mailed From: 97601

US POSTAGE

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