



# 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

04/20/2011

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 001-11

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: Monday, May 02, 2011

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: Mark Gallagher, Klamath County  
Jon Jinings, DLCD Community Services Specialist  
Jon Jinings, DLCD Regional Representative  
Thomas Hogue, DLCD Regional Representative

<paa> YA



FORM **2**

**DLCD**

# Notice of Adoption

In person  electronic  mailed

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DEPT OF

APR 13 2011

LAND CONSERVATION  
AND DEVELOPMENT

For Office Use Only

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

Jurisdiction: **Klamath County**

Local file number: **CLUP/ZC 1-11**

Date of Adoption: **4/4/2011**

Date Mailed: **4/11/2011**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD?  Yes  No Date: **1/28/2011**

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".

**Applicant requests a General Land Use Plan Map amendment from Industrial to General Commercial and a zone change from Heavy Industrial to General Commercial on 15.26 acres of property located on the east side of Washburn Way adjacent to the south side of the OC & E Trail. The subject property has been the site of the old Klamath County Road Maintenance Shops which have now moved into a new facility elsewhere.**

Does the Adoption differ from proposal? **No**

Plan Map Changed from: **Industrial**

to: **Commercial**

Zone Map Changed from: **Heavy Industrial (IH)**

to: **General Commercial (CG)**

Location: **R-3909-003BC-01100,R-3909-003CB-00100 & 00300**

Acres Involved: **15.26 acres**

Specify Density: Previous: **NA**

New: **NA**

Applicable statewide planning goals:

**1**  **2**  **3**  **4**  **5**  **6**  **7**  **8**  **9**  **10**  **11**  **12**  **13**  **14**  **15**  **16**  **17**  **18**  **19**

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. 001-11 (18698) [16605]*



DLCD file No. \_\_\_\_\_

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

DLCD, Klamath County, Klamath County Fire District #1

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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**

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## ADOPTION SUBMITTAL REQUIREMENTS

**This Form 2 must be received by DLCD no later than 5 working 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 the adopted amendment, please print a completed copy of Form 2 on light **green paper if available**.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615 ).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption (ORS 197.830 to 197.845 ).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615 ).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

**ATTENTION: PLAN AMENDMENT SPECIALIST  
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT  
635 CAPITOL STREET NE, SUITE 150  
SALEM, OREGON 97301-2540**

9. **Need More Copies?** Please print forms on **8½ -1/2x11 green paper only if available**. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail **plan.amendments@state.or.us**.

# BEFORE THE KLAMATH COUNTY BOARD OF COMMISSIONERS

IN THE MATTER OF FILE NUMBER CLUP/ZC 1-11

FINAL ORDER

WHEREAS, Klamath County, applicant, requested approval of an amendment to the Comprehensive Plan designation from Industrial to Commercial and associated zoning from Heavy Industrial (IH) to General Commercial (CG) on approximately 15.26 acres; and

WHEREAS, the subject properties are described as Tax Lot 1100 in Section 3BC, and Tax Lots 100 and 300 in Section 3CB, of Township 39 South, Range 9 East Willamette Meridian; and

WHEREAS, the Klamath County Planning Department provided proper notice of a public hearing held on March 22, 2010 before the Klamath County Planning Commission and Board of County Commissioners; and

WHEREAS, the applicant submitted said request for the Comprehensive Plan amendment and associated zone change in due form for consideration; and

WHEREAS, based on testimony entered and consideration of the whole record, and making the proposed Findings of Fact in the application submittal and Staff Report their own, 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 1-11 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 accepted the Planning Commission's recommendation, and unanimously APPROVED Planning File CLUP/ZC 1-11.

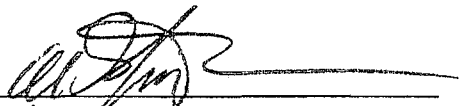
NOW, THEREFORE, THE KLAMATH COUNTY BOARD OF COMMISSIONERS ORDER AS FOLLOWS:

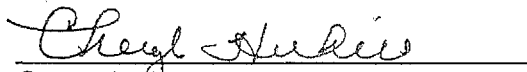
*The Klamath County Planning Director shall draft for adoption by the Board of County Commissioners an ordinance amending the Klamath County Comprehensive Plan - General Land Use Plan Map and Zoning Map to reflect the proposed revision to the plan designation and zoning changes as shown on attached Exhibit A, and subject to the following condition as requested by the Oregon Department of Transportation (ODOT):*

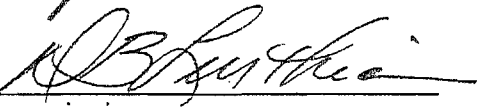
*"When a proposed commercial development is identified for this property the TIS shall be updated to determine if the OR 39/Shasta Way intersection will function within ODOT v/c standards. If it is determined to meet standards with the development no mitigation will be required of the developer. If it is determined the development causes the intersection to exceed ODOT v/c standards, mitigation must be identified that is acceptable to ODOT and built before the development can open for business."*

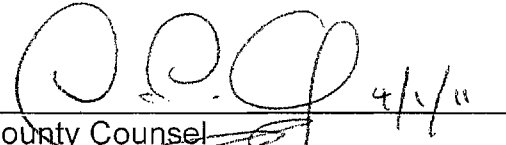
Dated this 4<sup>th</sup> day of April, 2011

FOR THE BOARD OF COMMISSIONERS

  
Chairman

  
Commissioner

  
Commissioner

 4/1/11  
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.

BOARD OF COUNTY COMMISSIONERS

KLAMATH COUNTY, OREGON

IN THE MATTER OF CHANGING )	
THE COMPREHENSIVE PLAN )	
MAP DESIGNATION FROM )	ORDINANCE 44.90
INDUSTRIAL TO COMMERCIAL )	
AND ASSOCIATED ZONING )	
FROM HEAVY INDUSTRIAL (IH) )	
TO GENERAL COMMERCIAL )	
(CG) ON 15.26 ACRES OF )	
PROPERTY. )	

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

**WHEREAS**, the Klamath County Planning Department provided written notice of the public hearing as required in KC Land Development Code Article 31; and

**WHEREAS**, a quasi-judicial public hearing was held on March 22, 2011, and a Staff Report was provided, and public testimony was considered before the Klamath County Planning Commission and Board of County Commissioners; and

**WHEREAS**, based on testimony entered and in consideration of the whole record, the Klamath County Planning Commission adopted as its own the Findings of Fact provided in the Staff Report and recommended approval of the amendment of the Comprehensive Plan Map, and Zoning Map; and, said recommendation was forwarded to the Klamath County Board of Commissioners; and

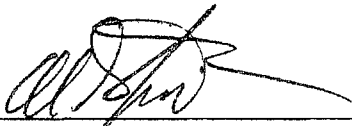
**WHEREAS**, the Klamath County Board of Commissioners voted to approve the Planning Commission recommendation to amend the Comprehensive Plan Map and Zoning Map; and

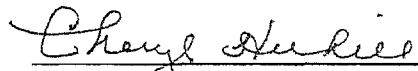
**NOW, THEREFORE**, the Klamath County Board of Commissioners ordains that the amendments to the adopted Klamath County Comprehensive Plan and Zoning Map which are attached hereto, marked as Exhibit "A," and incorporated herein by reference are hereby adopted.

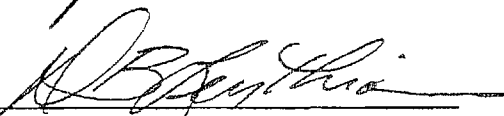
1. ***The Klamath County Comprehensive Plan - General Land Use Plan Map and Zoning Map are amended as shown on attached Exhibit A.***

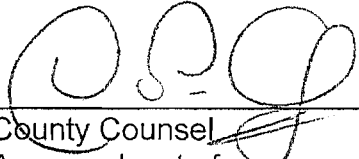
DATED this 4<sup>th</sup> day of April, 2011.

**FOR THE BOARD OF COMMISSIONERS**

  
\_\_\_\_\_  
Chairman

  
\_\_\_\_\_  
Commissioner

  
\_\_\_\_\_  
Commissioner

  
\_\_\_\_\_  
County Counsel  
Approved as to form 4/1/11

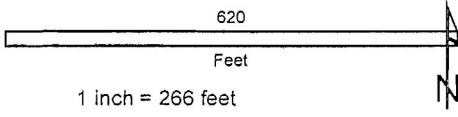
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# Klamath County



Date Printed: 3-24-11

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.



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ng Department  
ain Street  
th Falls, OR 97601



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04/11/2011

Mailed From 97601

**US POSTAGE**



DLCD  
PLAN AMENDMENT SPECIALIST  
635 CAPITOL STREET NE, SUITE 150  
SALEM, OR 97301-2540