



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

09/06/2011

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 002-11

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: Tuesday, September 20, 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: Kristinae Toomians, Klamath County
Jon Jinings, DLCD Community Services Specialist
Jon Jinings, DLCD Regional Representative

<paa> YA



FORM 2

DLCD

Notice of Adoption

In person electronic mailed

DATE STAMP

DEPT OF

SEP 01 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 2-11**

Date of Adoption: **August 25, 2011**

Date Mailed: **August 29, 2011**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: **June 8, 2011**

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other: **Rural Community Boundary Amendment**

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

Amendment included: an expansion to the Dairy Rural Community Boundary; a General Land Use Plan Map amendment from Forestry to Rural Service Community; and, a zone change from Forestry/Range to Rural Community Industrial on 2.1 acres of property located 400ft southwest of the intersection of HWY 140E & HWY 70, on the south side of HWY 140E, near the community of Dairy.

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

Plan Map Changed from: **Forestry**

to: **Rural Service Community**

Zone Map Changed from: **Forestry/Range**

to: **Rural Community Industrial**

Location: **22022 HWY 140 E, Dairy; R-3811-V34B0-03500-000**

Acres Involved: **2.2 acres**

Specify Density: Previous: **No net change.**

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. _____

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

DLCD, Klamath County, Klamath County Fire District #1

Local Contact: **Kristinae Toomians, Planner III**

Phone: **(541) 883-5121** Extension: **3020**

Address: **305 Main Street**

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

City: **Klamath Falls**

Zip: **97601**

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

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**.

BOARD OF COUNTY COMMISSIONERS

KLAMATH COUNTY, OREGON

IN THE MATTER OF AMENDING THE
RURAL COMMUNITY BOUNDARY OF
DAIRY CHANGING THE
COMPREHENSIVE PLAN MAP
DESIGNATION FROM FORESTRY TO
RURAL SERVICE COMMUNITY AND
ASSOCIATED ZONING FROM
FORESTRY/RANGE (FR) TO RURAL
COMMUNITY COMMERCIAL (RUC-C) ON
2.1 ACRES OF PROPERTY.

ORDINANCE 44.91

WHEREAS, the Klamath County Board of Commissioners has the authority and desires to amend the rural community boundary, 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 Klamath County Land Development Code Article 31; and

WHEREAS, a quasi-judicial public hearing was held on July 26, 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 to the rural community boundary, and the amendment of the Comprehensive Plan Map, and Zoning Map; and, said recommendation was forwarded to the Klamath County Board of Commissioners; and

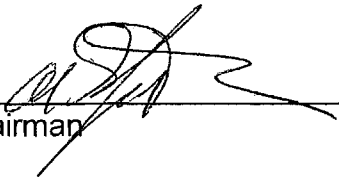
WHEREAS, the Klamath County Board of Commissioners voted to approve the Planning Commission recommendation to amend the community boundary, the Comprehensive Plan Map, and the Zoning Map; and

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

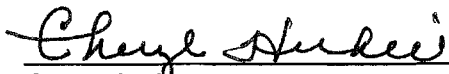
- 1. The rural community boundary, The Klamath County Comprehensive Plan – General Land Use Plan Map and Zoning Map are amended as shown on attached Exhibit A.***

DATED this 25 day of August, 2011.

FOR THE BOARD OF COMMISSIONERS



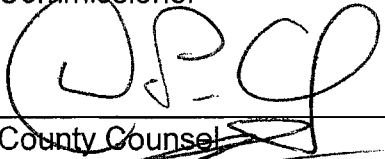
Chairman



Commissioner



Commissioner

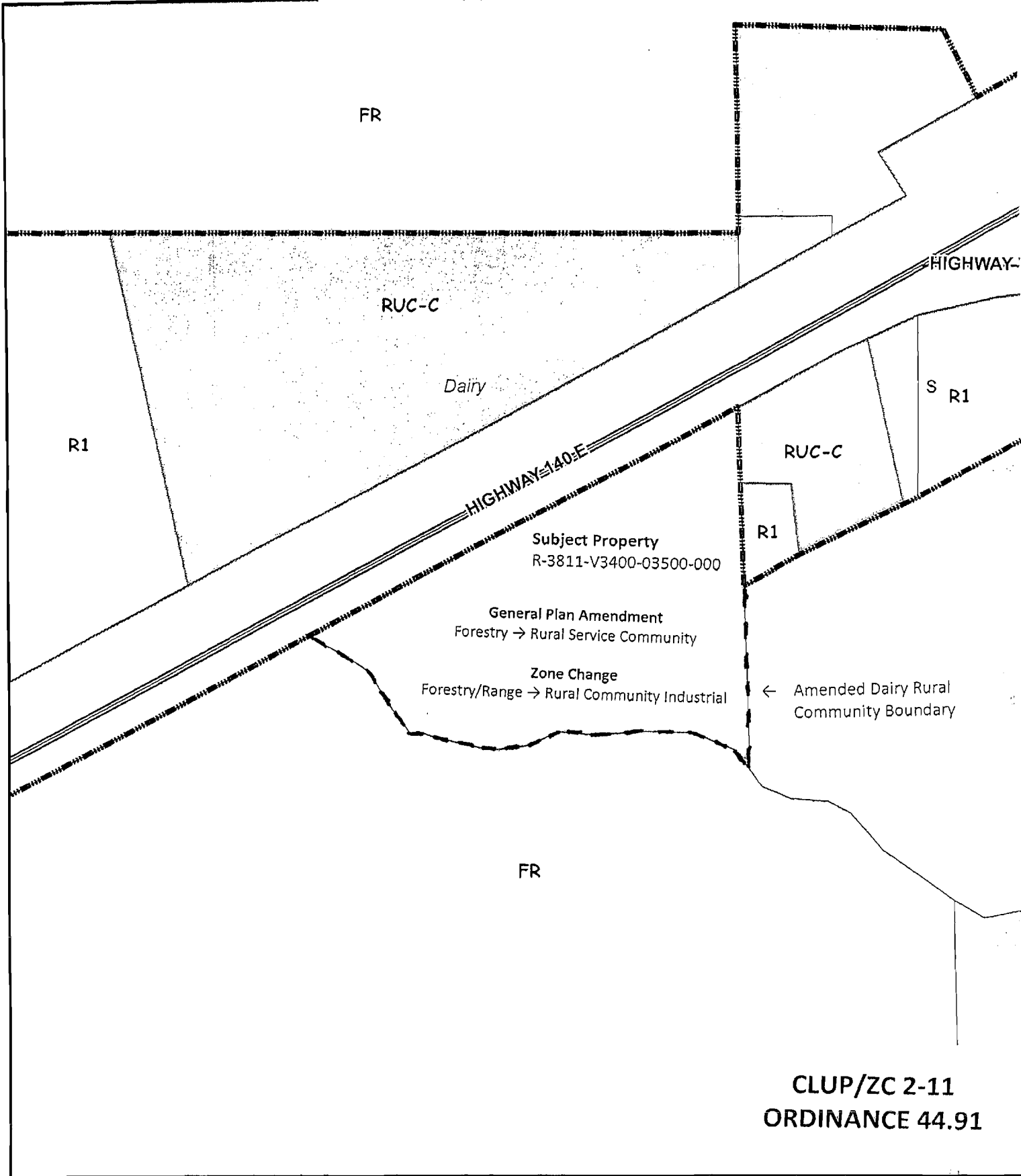


County Counsel
Approved as to form

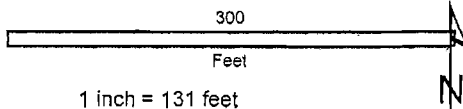
NOTICE OF APPEAL RIGHTS

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



Klamath County



Date Printed: 07/28/11

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.

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

IN THE MATTER OF FILE NUMBER CLUP/ZC 2-11

FINAL ORDER

WHEREAS, the property owners, Timothy and Jami Gray, requested approval of an amendment to the rural community boundary of Dairy, an amendment to the Comprehensive Plan designation from Forestry to Rural Service Community, and associated zoning from Forestry/Range (FR) to Rural Community Industrial (RUC-I) on approximately 2.1 acres; and

WHEREAS, the subject property is described as Tax Lot 3500 in Section V34B, of Township 38 South, Range 11, East Willamette Meridian, Map Tax No. R-3811-V34B0-03500-000; and,

WHEREAS, the Klamath County Planning Department provided proper notice of a public hearing, held on July 26, 2011, before the Klamath County Planning Commission and Board of County Commissioners; and

WHEREAS, the applicant submitted said request for the rural community boundary amendment, 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 2-11 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 2-11.

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


The Klamath County Planning Director shall draft, for adoption by the Board of County Commissioners, an ordinance amending the Rural Community Boundary to include the site within the unincorporated community of Dairy, amending the Comprehensive Plan from Forestry to Rural Service Community, with an associated Zone Change from Forestry/Range (FR) to Rural Community Industrial (RUC-I), as shown on attached Exhibit A.

Dated this 2nd day of August, 2011

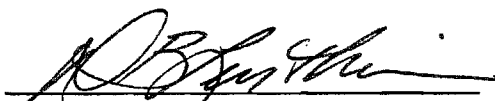
FOR THE BOARD OF COMMISSIONERS




Chairman



Commissioner



Commissioner

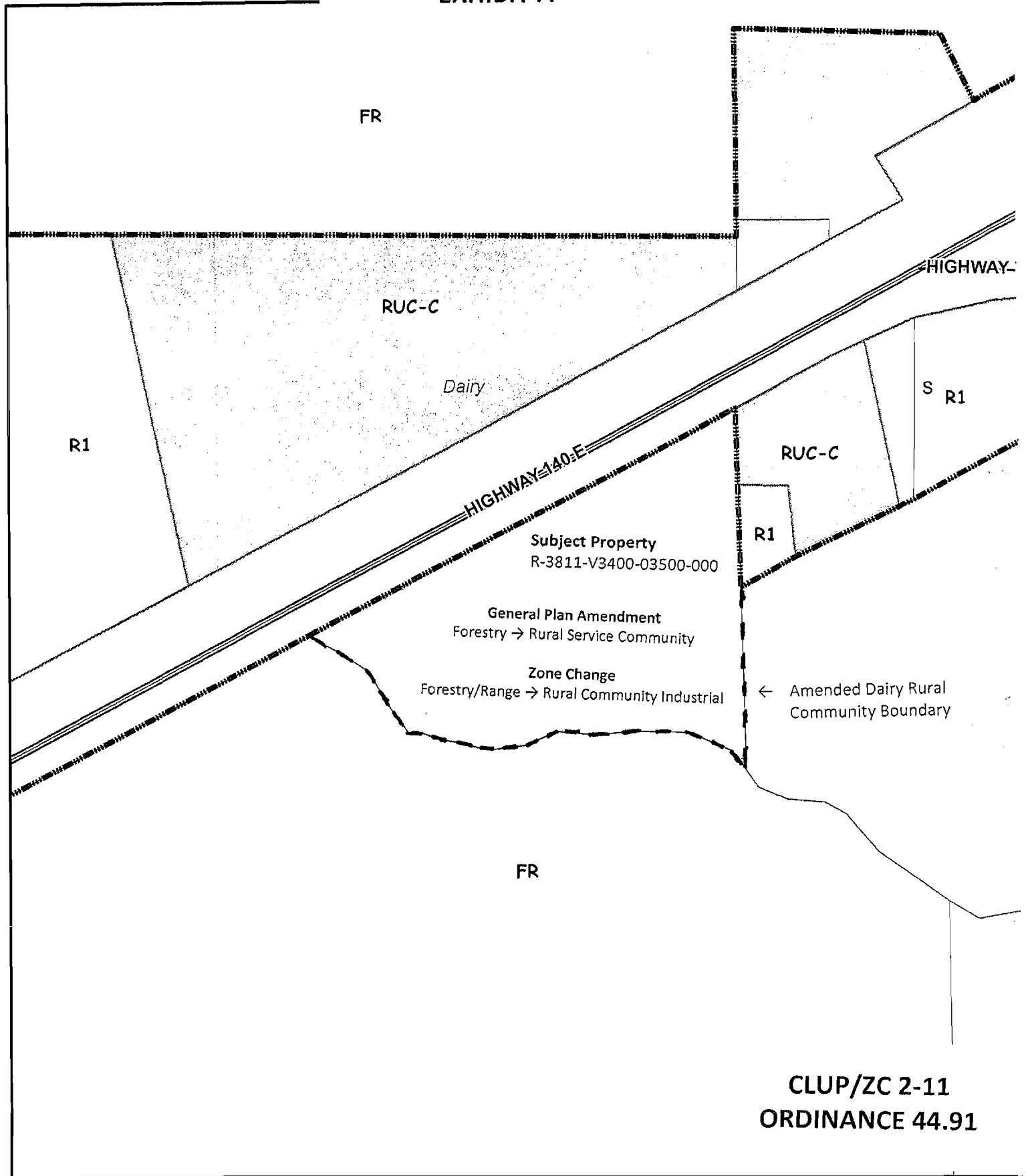


County Counsel
Approved as to form

NOTICE OF APPEAL RIGHTS

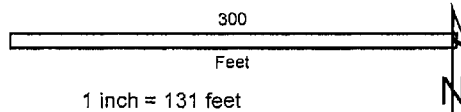
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EXHIBIT A



CLUP/ZC 2-11
ORDINANCE 44.91

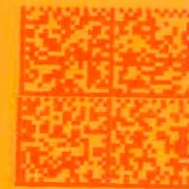
Klamath County



Date Printed: 07/28/11

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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ain Street
ath Falls, OR 97601



Receipt

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08/30/2011

Mailed From 97601

US POSTAGE

DEPT OF

SEP 01 2011

LAND CONSERVATION
AND DEVELOPMENT

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