



Oregon

John A. Kitzhaber, M.D., Governor

Department of Land Conservation and Development

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Salem, Oregon 97301-2540

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NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

Date: April 06, 2015
Jurisdiction: Klamath County
Local file no.: CLUP/ZC 1-15
DLCD file no.: 001-15

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 04/02/2015. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD 39 days prior to the first evidentiary hearing.

Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A 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).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or plan.amendments@state.or.us



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

FOR DLCD USE
File No.: 001-15 { 23725 }
Received: 4/2/2015

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See [OAR 660-018-0040](#)). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use [Form 4](#) for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use [Form 5](#) for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use [Form 6](#) with submittal of an adopted periodic review task.

Jurisdiction: Klamath County

Local file no.: **CLUP/ZC 1-15**

Date of adoption: March 24, 2015

Date sent: 4/2/2015

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted): 1/19/2015

No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes No

If yes, describe how the adoption differs from the proposal:

Local contact (name and title): Mark Gallagher, Acting Planning Director

Phone: 541-851-3668

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

Street address: 305 Main St.

City: Klamath Falls

Zip: 97601-

PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

- | | | | |
|-------------|----|--------|--|
| Change from | to | acres. | A goal exception was required for this |
| change. | | | |
| Change from | to | acres. | A goal exception was required for this |
| change. | | | |
| Change from | to | acres. | A goal exception was required for this |
| change. | | | |
| Change from | to | acres. | A goal exception was required for this change. |

Location of affected property (T, R, Sec., TL and address):

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

If the comprehensive plan map change is a UGB amendment including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

If the comprehensive plan map change is an urban reserve amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

For a change to the text of an ordinance or code:

Identify the sections of the ordinance or code that were added or amended by title and number:

Article 11 - Definitions & Article 82 - Camping

For a change to a zoning map:

Identify the former and new base zone designations and the area affected:

Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation:	Acres added:	Acres removed:
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Location of affected property (T, R, Sec., TL and address):

List affected state or federal agencies, local governments and special districts: Klamath County

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

BEFORE THE KLAMATH COUNTY BOARD OF COMMISSIONERS

IN THE MATTER OF FILE NUMBER CLUP/ZC 1-15

FINAL ORDER

WHEREAS, Klamath County, applicant, proposed language amendments to Article 11-Definitions and added Article 82 – Camping to the Klamath County Land Development Code; and

WHEREAS, the Klamath County Planning Department provided proper notice of a public hearing held on March 24, 2015 before the Klamath County Planning Commission and Board of County Commissioners; and

WHEREAS, the applicant submitted said request for the Land Development Code text amendment 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 Staff Report their own, the Planning Commission forwarded a recommendation for approval to the Board of County Commissioners; and

WHEREAS, the Board of County Commissioners concluded the application was in conformance with State Law, Klamath County Comprehensive Plan and Land Development Code, and acting within their authority unanimously APPROVED the request of Planning File CLUP/ZC 1-15.

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

The Klamath County Planning Director shall prepare for adoption by the Board of County Commissioners an ordinance amending the Klamath County Land Development Code text to reflect the proposed revisions as shown on attached Exhibit 1.

Dated this 31st day of March, 2015

FOR THE BOARD OF COMMISSIONERS

Tom McLean
Chairman

[Signature]
Commissioner

James Bellet
Commissioner

[Signature] 3/30/2015
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 Department

Klamath County Government Center
305 Main Street, Klamath Falls, Oregon 97601

Phone 1-541-883-5121 Option #4
Toll Free in Oregon 1-800-426-9763
Fax 1-541-885-3644

Exhibit 1

Land Development Code Amendment Language - Camping

Language to be deleted is enclosed in brackets and ~~struck out~~. Language to be added is shown in **bold**. All other language is from the current Land Development Code. Breaks in code language are indicated by ...

ARTICLE 11 DEFINITIONS

11.010 – PURPOSE

The purpose of this article is to define the terms and phrases of this code that are technical, specialized, or may not reflect common usage.

...

CAMPING:

The occupancy of private property within a tent, tent-trailer, shelter, vehicle, or recreational vehicle not within an authorized/designated camping facility ~~[and deemed a nuisance]~~.

...

CHAPTER 80 SPECIAL USE STANDARDS

...

ARTICLE 82 CAMPING

82.010 – PURPOSE

The purpose of this article is to establish standards for camping on private property, which is allowed in all zones.

Camping is the occupancy of private property within a tent, tent-trailer, shelter, vehicle, or recreational vehicle not within an authorized/designated camping facility.

82-020 – STANDARDS

Camping is allowed for not more than 120 days in a calendar year. The camp must be in full compliance with all applicable health and sanitation regulations.

BOARD OF COUNTY COMMISSIONERS

KLAMATH COUNTY, OREGON

IN THE MATTER OF AMENDING)
THE LAND DEVELOPMENT CODE)
TEXT TO MAKE CHANGES TO)
ARTICLE 11 - DEFINITIONS AND)
ADD ARTICLE 82 – CAMPING)

ORDINANCE 45.84

WHEREAS, the Klamath County Board of Commissioners has the authority and desires to amend the Land Development Code text; 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 public hearing was held on March 24, 2015, and public testimony was considered before the Klamath County Planning Commission and Board of County Commissioners; and

WHEREAS the Klamath County Planning Commission forwarded a recommendation of approval; and

WHEREAS, on March 24, 2015, based on testimony entered and in consideration of the whole record, the Klamath County Board of Commissioners voted unanimously to approve the request.

NOW, THEREFORE, the Klamath County Board of Commissioners ordains that the amendments to the adopted Klamath County Land Development Code text, attached as Exhibit "1," and incorporated herein by reference are hereby adopted.

DATED this 31st day of March, 2015.

FOR THE BOARD OF COMMISSIONERS



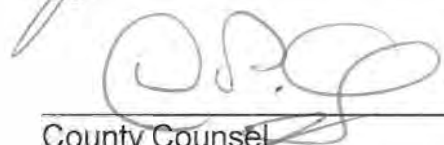
Chairman



Commissioner



Commissioner



County Counsel
3/30/2015
Approved as to form

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Klamath County Planning Department

Klamath County Government Center
305 Main Street, Klamath Falls, Oregon 97601

Hearing Date: March 24, 2015
Application File No: CLUP/ZC 1-15
Staff Contact: Mark Gallagher

STAFF REPORT

Applicant: Klamath County (via Planning Dept.)

Application: Request to amend the Land Development Code to clarify the regulations regarding camping on private property and add a maximum 120 day limit within any calendar year.

BACKGROUND

The amendment proposal changes the definition of "Camping" in the Definitions section of the Land Development Code (Article 11.030) and adds Article 82 – Camping in Chapter 80 the Special Use Standards.

PROCESS

This code amendment is a legislative action since it does not involve specific properties.

APPLICABLE CRITERIA

The applicable criteria is contained in Article 49 – Legislative Amendment to the Klamath County Comprehensive Plan, Land Development Code or Zoning Map.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The applicable criteria are listed below with findings addressing each.

Land Development Code Article 49.030 Review Criteria

- A. An amendment to the Comprehensive Plan or Land Development Code may only be approved if it meets all applicable review criteria.**
- B. An amendment to the Comprehensive Plan or Land Development Code shall be reviewed against the following criteria:**
 - 1. The proposed amendment is supported by specific studies or other factual information, which documents the public need for the change;**

Finding

The proposed amendment is needed to clarify the definition of "camping" and to allow a desired use on private property.

A large number of inquiries are made each year about the ability to camp on private property, not only for recreational purposes, but also to give property owner's time to clear land prior to building or placing a residence on the property. The ability to camp on private property is frequently requested by the public and found to be desired thing, therefore, the proposed amendment is found to meet this criterion.

2. *The proposed amendment complies with policies of the Comprehensive Plan and policies and standards of the Urban Area Transportation System Plan;*

The proposed revisions are consistent with the following Goals and Policies of the Klamath County Comprehensive Plan:

Goal 1: Citizen Involvement

The amendment has followed the public hearing procedures for a legislative code amendment, which provides an opportunity for citizen input.

Goal 8: Recreation Needs

POLICY 1: When planning for lands and resources capable of accommodating multiple uses, the County shall encourage the provision of appropriate recreation opportunities.

Goal 9: County Economy

POLICY 11: The County shall encourage (in appropriate locations and in accordance with the plan) the development of resort and summer homes, and other needed accommodations, attractions, activities, and facilities that will encourage tourists to make Klamath County a destination point rather than a pass through point.

Finding

The proposed amendment is found to be consistent with these goals as it will allow greater recreation opportunities and allow citizens to stay longer in the County during their visits.

It has been determined that Goals 2-7 and 10-14 are inapplicable to the proposed amendment.

3. *The proposed amendment complies with the Oregon Statewide Planning Goals, state statutes and administrative rules, including compliance with the TPR (OAR 660-012-0060). To document compliance with the TPR the applicant shall submit a Traffic Impact Study pursuant to Section 71.200.*

Statewide Planning Goals

Finding

The application is found to be consistent with Goals 1, 8 and 9 of the Statewide Planning Goals for the same reasons stated above in review of the Comprehensive Plan Goals and Policies. Goals 2-7 and 10-14 have been determined to be inapplicable.

State Statutes

Finding

Oregon Revised Statutes (ORS) does not contain any language which prohibits the County from allowing the proposed camping provision. The proposed amendment language is consistent with the current requirements of ORS.

Oregon Administrative Rules

Finding

There are no Administrative Rules that address camping on private property, including OAR 660-012-0060 - Transportation Planning Rule, therefore they are inapplicable.

CONCLUSION

The proposed amendment language to Article 11 – Definitions and Article 82 – Camping (Exhibit 1) has been found to be consistent with the review criteria for a legislative amendment of the Land Development Code. The application can, therefore, be approved.

RECOMMENDED ACTION

Staff recommends that the Planning Commission adopt the proposed Findings contained in the Staff Report that demonstrate compliance with Klamath County requirements and the State of Oregon, and forward a recommendation of approval to the Klamath County Board of Commissioners.



Mark Gallagher, Interim Planning Director
Klamath County Planning Department

Exhibits:

Specific Code Language Changes

Exhibit 1



Klamath County Planning Department

Klamath County Government Center
305 Main Street, Klamath Falls, Oregon 97601

Phone 1-541-883-5121 Option #4
Toll Free in Oregon 1-800-426-9763
Fax 1-541-885-3644

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