



00100070201100045100020021

04/08/2011 09:21:32 AM

Fee: NO FEE

Return to Commissioner's Journal

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.

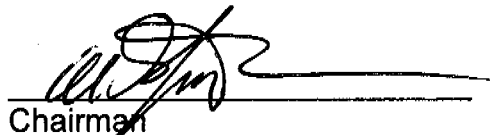
NOW, THEREFORE, THE KLAMATH COUNTY BOARD OF COMMISSIONERS
ORDER AS FOLLOWS:

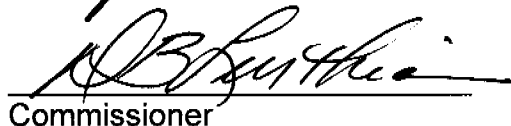
The Klamath County Planning Director shall draft for adoption by the Board of County Commissioners an ordinance amending the Klamath County Comprehensive Plan - General Land Use Plan Map and Zoning Map to reflect the proposed revision to the plan designation and zoning changes as shown on attached Exhibit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

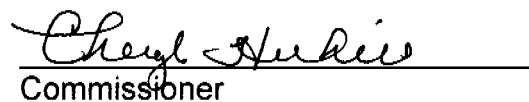
"When a proposed commercial development is identified for this property the TIS shall be updated to determine if the OR 39/Shasta Way intersection will function within ODOT v/c standards. If it is determined to meet standards with the development no mitigation will be required of the developer. If it 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."

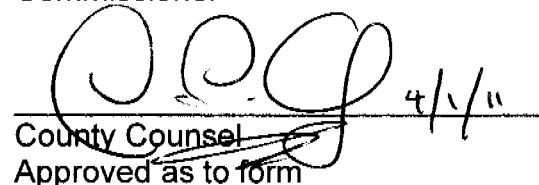
Dated this 4th day of April, 2011

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.