



00103793201100075930020024

06/24/2011 09:08:59 AM

Fee: NO FEE

BEFORE THE KLAMATH COUNTY BOARD OF COMMISSIONERS

IN THE MATTER OF FILE NUMBER CUP 36-10

FINAL ORDER

WHEREAS, the Falcon Heights Water and Sewer District, applicant, requested approval of Wastewater Treatment Facility and Recycled Water Irrigation System on approximately 75 acres within the Exclusive Farm Use – Crops (EFU-C) zone; and

WHEREAS, the subject property is described as Tax Lot 1000 in Section 33, of Township 39 South, Range 9 East Willamette Meridian; and

WHEREAS, the applicant submitted said request for the conditional use permit in due form for consideration; and

WHEREAS, the Klamath County Planning Department provided proper notice of a public hearing held on January 25, 2010 before the Klamath County Planning Commission; 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 granted Approval CUP 35-10; and

WHEREAS, on February 1, 2011 the Final Order was mailed to those parties that had participated in the public hearing, and had thus created "standing;" and

WHEREAS, on February 7, 2011 the appellants submitted a letter of "Intent to Appeal" and on February 14, 2011 Justin Throne, attorney for the appellants, submitted a written Statement of Appeal; and

WHEREAS, the Klamath County Planning Department provided proper notice of an "on the record" public hearing for the appeal before the Board of County Commissioners held on March 24, 2010; and

WHEREAS, the Board of County Commissioners remanded the application to the Planning Commission for additional testimony limited to the 10 issues in the Statement of Appeal and for a recommendation on the appeal; and

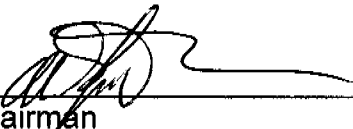
WHEREAS, the Klamath County Planning Department provided proper notice of a "de novo" public hearing for the remand before the Planning Commission held on May 24, 2011, and based on additional testimony entered and after consideration of the whole record, the Commission recommended to the Board of Commissioners, with findings contained in the document entitled Planning Commission Recommendation to Board of County Commissioners (On Appeal of CUP 36-10), that the appeal be approved and the application denied; and

WHEREAS, the Board of County Commissioners held their continued "on the record" hearing of the appeal on June 9, 2010 and after consideration of the Planning Commission recommendation, additional legal arguments, and consideration of the whole record;

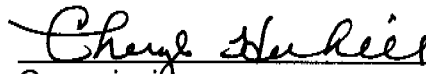
HEREBY ORDERS that the appeal be accepted and CUP 36-10 DENIED, based on the findings contained in the Planning Commission Recommendation to Board of County Commissioners (On Appeal of CUP 36-10) dated June 2, 2011, which is hereby adopted and incorporated by reference.

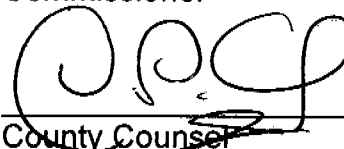
Dated this 21 day of June, 2011

FOR THE BOARD OF COMMISSIONERS


Chairman


Commissioner


Commissioner

 6/17/11
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.