



BEFORE THE KLAMATH COUNTY BOARD OF COMMISSIONERS

IN THE MATTER OF FILE NUMBER CLUP/ZC 5-14

FINAL ORDER

WHEREAS, Badger Flats LP, applicant, requested approval of a 22.7 acre Urban Growth Boundary amendment to the City of Klamath Falls; and

WHEREAS, the applicant submitted said request for the Urban Growth Boundary Amendment in due form for consideration; and

WHEREAS, the Urban Growth Management Agreement outlines the review procedure for both Klamath County and the City of Klamath Falls who both have to approve the Urban Growth Boundary amendment; and

WHEREAS, the subject property is described as a 22.7 acre portion of Tax Lot 500 in Section 1 of Township 39 South, Range 8 East Willamette Meridian; and

WHEREAS, the Klamath County Planning Department provided proper notice of the public hearing held on October 27, 2015 and December 15, 2015 before the Klamath County Planning Commission and Board of County Commissioners; and

WHEREAS, based on testimony entered and consideration of the whole record, and making their own findings, the Klamath County Planning Commission concluded the application was not in conformance with State Law nor an appropriate location, and forwarded a recommendation of Denial for Planning File CLUP/ZC 5-14 to the Board of County Commissioners; and

WHEREAS, based on testimony entered and after consideration of the whole record; and making the proposed findings of fact in the application submittal and Staff Report their own, the Klamath County Board of Commissioners acting within their authority, disagreed with the Planning Commission's recommendation, and unanimously APPROVED Planning File CLUP/ZC 5-14, subject to the following conditions of approval:

1. **Short Term Improvements:** Prior to the rezoning of the Badger Flats property to accommodate the proposed Lifestyle Center, the applicant shall execute a Cooperative Improvement Agreement ("CIA") with the Oregon Department of Transportation ("ODOT") regarding the applicant's obligation of providing short term transportation improvements to mitigate the impacts of the project for purposes of compliance with the Transportation Planning Rule ("TPR"). The CIA shall acknowledge that the re-alignment of Orindale Road through the project site with access at Highway 140, or maintaining the current alignment of Orindale

Road with access at Highway 140 will be determined at time of Site Plan Review before the City of Klamath Falls. The CIA shall provide a methodology and approach of determining the short term transportation improvements necessary to mitigate the impacts of the project depending on what alignment of Orindale Road is chosen. The CIA shall also provide that the applicant will be entirely responsible for funding the necessary short term improvements whenever those improvements are required based on the phased development of the project. The applicant shall work cooperatively with ODOT, the County and City in developing the CIA and defining the applicant's obligation of providing short term transportation improvements for compliance with the TPR.

2. **Long Term Improvements:** Prior to the rezoning of the Badger Flats property to accommodate the proposed Lifestyle Center, the applicant shall execute a Cooperative Improvement Agreement ("CIA") with the Oregon Department of Transportation ("ODOT") regarding the applicant's obligation of providing long term transportation improvements to mitigate the impacts of the project identified in the Applicant's Transportation Impact Analysis (June, 2014) ("TIA") for purposes of compliance with the Transportation Planning Rule ("TPR"). The CIA shall provide a methodology and approach of determining: (1) the nature and scope of the long term transportation mitigation; (2) when and under what circumstances the long term mitigation would be warranted; (3) the applicant's cost of the mitigation and (4) an adequate funding source for the mitigation. The CIA shall also provide that the applicant's obligation to provide for long term transportation improvements will be terminated should ODOT determine that the long term improvements are not warranted. The applicant shall work cooperatively with ODOT, the County and City in developing the CIA and defining the applicant's obligation of providing long term transportation improvements for compliance with the TPR.

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 Urban Growth Boundary of the City of Klamath Falls to reflect the proposed revision as shown on attached Exhibit A, and subject to the City of Klamath Falls approving a like revision.

Dated this 4 day of January, 2016

FOR THE BOARD OF COMMISSIONERS

Tom Mollam
Chairman

James Bellet
Commissioner

[Signature]
Commissioner

[Signature] 12/29/2015
County Counsel
Approved as to form