

2017-004553

Klamath County, Oregon



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05/02/2017 09:31:45 AM

Fee: NO FEE

BOARD OF COUNTY COMMISSIONERS

KLAMATH COUNTY, OREGON

IN THE MATTER OF GRANTING)
 AN EXCEPTION TO THE 4,000)
 SQ. FT. MAXIMUM BUILDING)
 SIZE IN THE RUC-C (RURAL)
 COMMUNITY COMMERCIAL))
 ZONE OF THE RURAL)
 COMMUNITY OF CRESCENT)
 AND APPLYING A LIMITED USE)
 OVERLAY TO REFLECT SAME.)

ORDINANCE 44.117

WHEREAS, the Klamath County Board of Commissioners has the authority and desires to grant an exception to the 4,000 sq. ft. building size limitation in the RUC-C zone in the rural unincorporated community of Crescent for a proposed Dollar General store of 9,100 sq. ft.; and

WHEREAS, the Klamath County Planning Department provided written notice of the public hearing as required in KC Land Development Code Article 31; and

WHEREAS, a quasi-judicial public hearing was held on April 25, 2017, and a Staff Report was provided, and public testimony was considered before the Klamath County Planning Commission and Board of County Commissioners; and

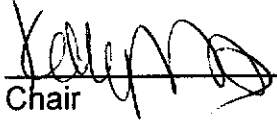
WHEREAS, based on testimony entered and in consideration of the whole record, the Klamath County Planning Commission adopted as its own the findings of fact provided in the Application and Staff Report and recommended approval of the exception to the 4,000 sq. ft. limitation for a Dollar General store of 9,100 sq. ft.; and said action to include a Limited Use Overlay on the property reflecting the same, and said recommendation was forwarded to the Klamath County Board of Commissioners; and

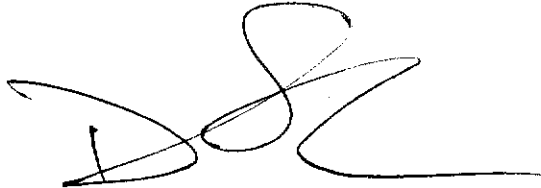
WHEREAS, the Klamath County Board of Commissioners voted to approve the Planning Commission recommendation to grant the exception and add the Limited Use Overlay; and

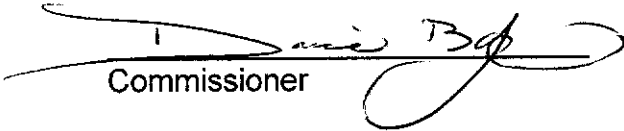
NOW, THEREFORE, the Klamath County Board of Commissioners ordains that the exception is granted and the Limited Use Overlay is to be placed on the subject property attached hereto and marked as Exhibit "A."

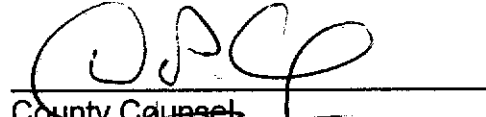
DATED this 25th day of April, 2017.

FOR THE BOARD OF COMMISSIONERS


Chair


Commissioner

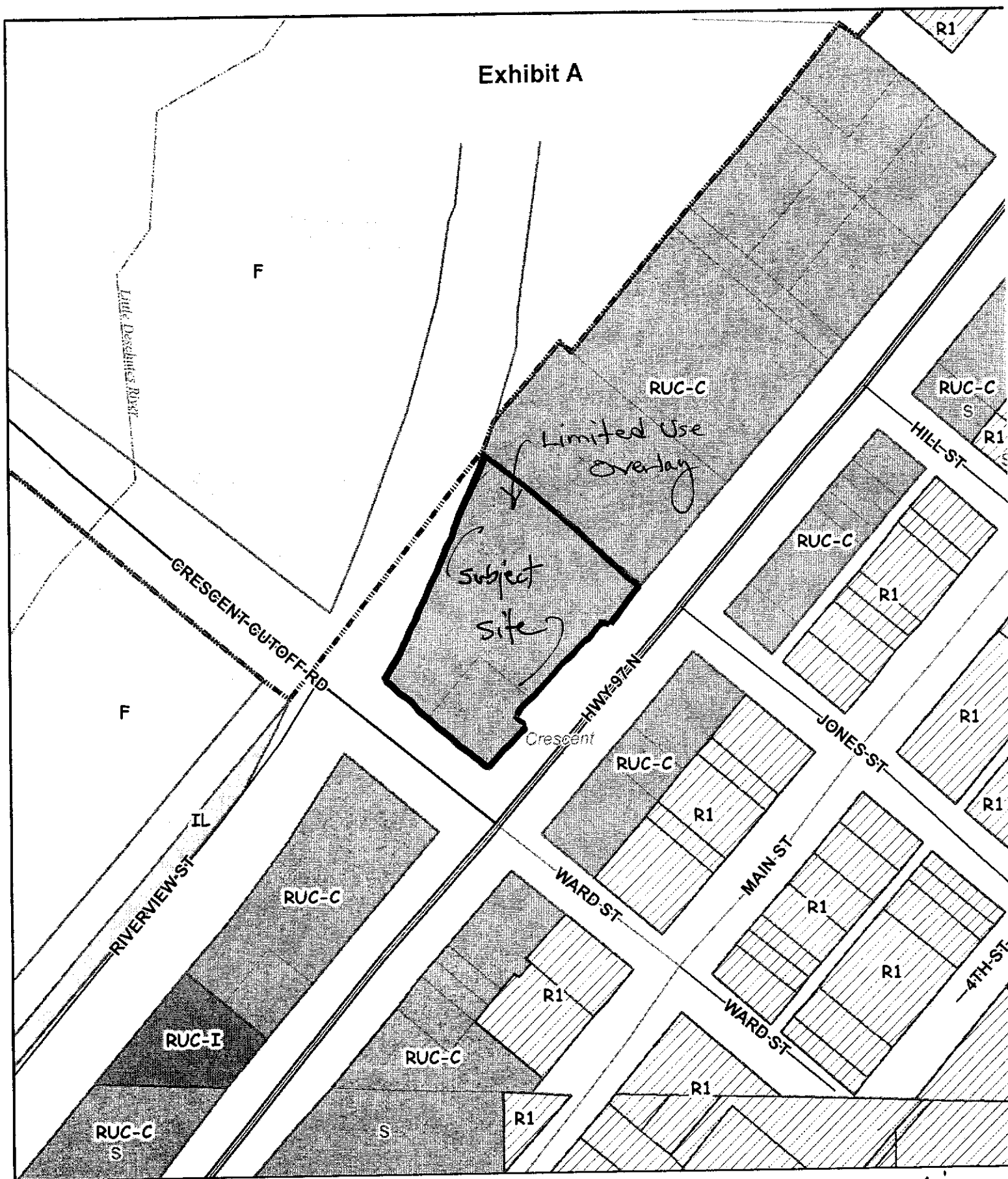

Commissioner


~~County Counsel~~
Approved as to form

NOTICE OF APPEAL RIGHTS

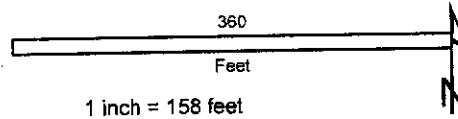
This decision may be appealed to the Oregon Land Use Board of Appeals (LUBA) within 21-days following the date of the mailing of this order. Contact LUBA for information as how to file this appeal (LUBA by phone 1-503-373-1265 or by mail at 550 Capitol Street NE, Suite 235, Salem Oregon 97301-2552). Failure to do so in a timely manner may affect your rights.

Exhibit A



Klamath County

Vicinity -



Date Printed: 3-14-17

This map is for planning purposes only. This map has been prepared for internal use by Klamath County only. Accuracy and completeness is not guaranteed to any other agency, public or private.

BEFORE THE KLAMATH COUNTY BOARD OF COMMISSIONERS

IN THE MATTER OF FILE NUMBER CLUP 1-17

FINAL ORDER

WHEREAS, Cross Development, applicant, requested approval of an exception to the 4,000 sq. ft. limitation (OAR 660-022-0030(10)) for a commercial building (Dollar General, 9,100 sq. ft.) within the RUC-C (Rural Community Commercial) zone of the rural unincorporated community of Crescent; and

WHEREAS, the subject property is described as Tax Lots 1300 and 1400 in Section 30CA of Township 24 South, Range 9 East Willamette Meridian; and

WHEREAS, the Klamath County Planning Department provided proper notice of a public hearing held on April 25, 2017 before the Klamath County Planning Commission and Board of County Commissioners; and

WHEREAS, the applicant submitted said request for the exception 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 recommendation of Approval for Planning File CLUP 1-17 to the Board of County Commissioners with the inclusion of a Limited Use Overlay designation on the property to memorialize the action and inclusion of the condition of approval requiring approval of access by the Oregon Dept. of Transportation; and

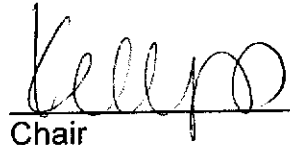
WHEREAS, based on testimony entered and after consideration of the whole record; and, with a recommendation from the Klamath County Planning Commission, the Klamath County Board of Commissioners acting within their authority, accepted the Planning Commission's recommendation, and unanimously APPROVED the request of Planning File CLUP 1-17 with the Limited Use Overlay and the condition of approval regarding access approval by the Oregon Dept. of Transportation.

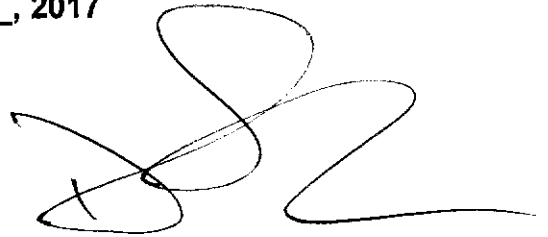
NOW, THEREFORE, THE KLAMATH COUNTY BOARD OF COMMISSIONERS
ORDER AS FOLLOWS:

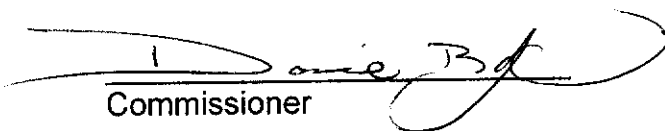
The Klamath County Planning Director shall draft for adoption by the Board of County Commissioners an ordinance granting the exception to the 4,000 sq. ft. building size limitation, allowing a building of 9,100 sq. ft., and memorialize the action by adding a Limited Use Overly to the property shown on attached Exhibit A, and include the condition requiring access approval by the Oregon Dept. of Transportation.


Dated this 25th day of April, 2017

FOR THE BOARD OF COMMISSIONERS


Chair


Commissioner

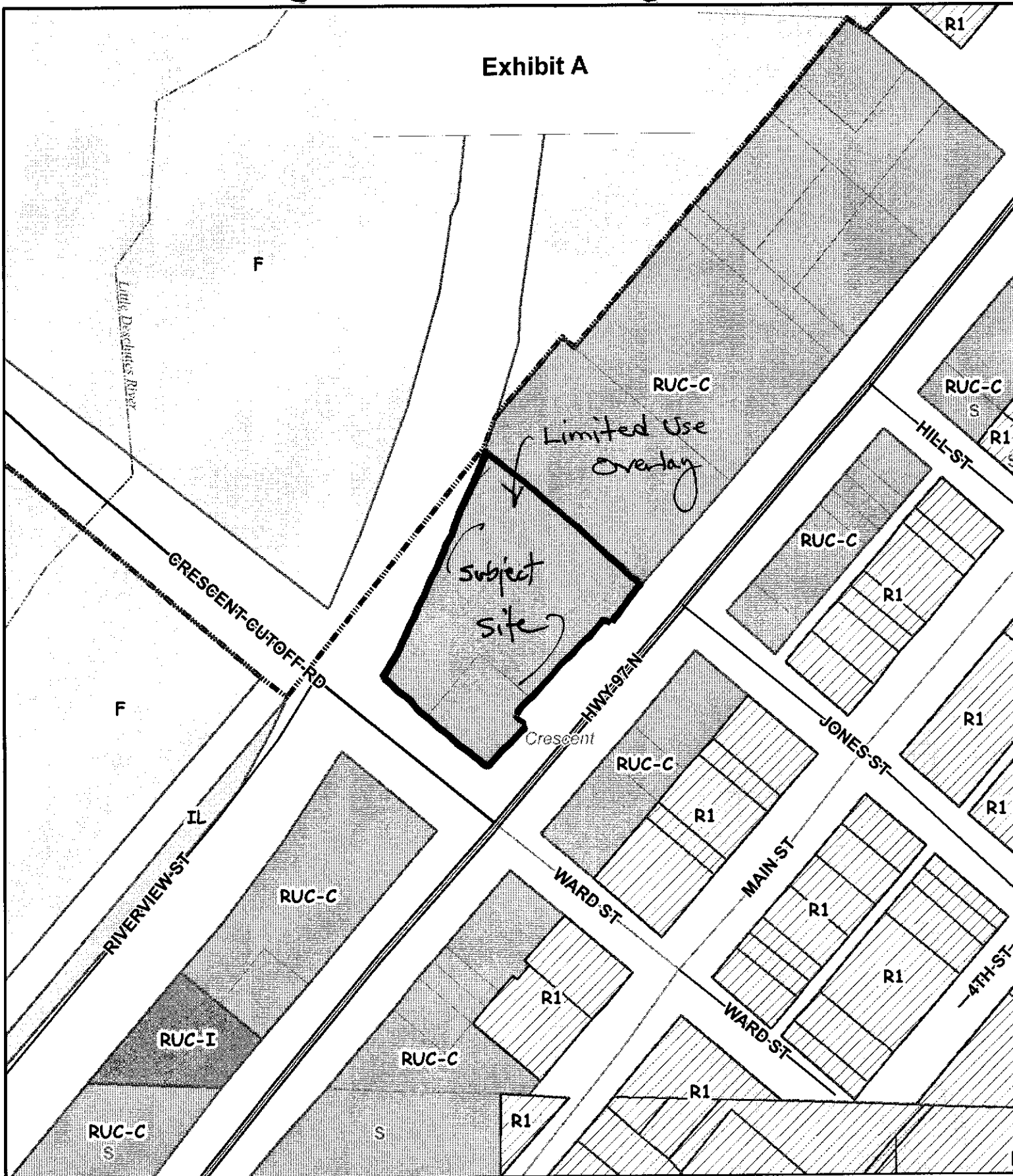

Commissioner


County Counsel
Approved as to form

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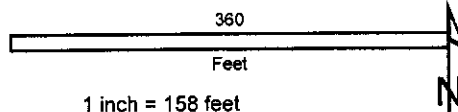
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