



00204489201700059470060060

06/01/2017 10:18:32 AM

Fee: NO FEE

## BOARD OF COUNTY COMMISSIONERS

## KLAMATH COUNTY, OREGON

IN THE MATTER OF CHANGING )  
 THE COMPREHENSIVE PLAN )  
 MAP DESIGNATION FROM )  
 RURAL TO AGRICULTURE AND )  
 CHANGE THE ZONING )  
 DESIGNATION FROM R-5 )  
 (RURAL RESIDENTIAL – 5 ACRE )  
 MINIMUM LOT SIZE TO EFU-CG )  
 (EXCLUSIVE FARM USE – )  
 CROPS AND GRAZING) ON )  
 13.93 ACRES. )

## ORDINANCE 44.118

**WHEREAS**, the Klamath County Board of Commissioners has the authority and desires to amend the Comprehensive Plan Map, and Official Klamath County Zoning Map; 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 May 23, 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 amendment of the Comprehensive Plan Map, and Zoning Map; 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 amend the Comprehensive Plan Map and Zoning Map; and

**NOW, THEREFORE**, the Klamath County Board of Commissioners ordains that the amendments to the Klamath County Comprehensive Plan and Zoning Map as proposed in File No. CLUP/ZC 4-17, which are attached hereto and marked as Exhibit "A," and incorporated herein by reference are hereby adopted with the following condition of approval.

1. *Prior to the Final Order and Ordinance for this action being signed by the Board of Commissioners, the applicant shall obtain the necessary access permit from*

the Oregon Dept. of Transportation (ODOT) for a commercial use on the subject property and provide a copy to the Planning Dept.

DATED this 31 day of May, 2017.

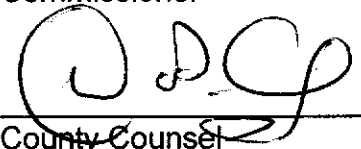
**FOR THE BOARD OF COMMISSIONERS**

**Not Present**

\_\_\_\_\_  
Chairman

  
\_\_\_\_\_  
Commissioner

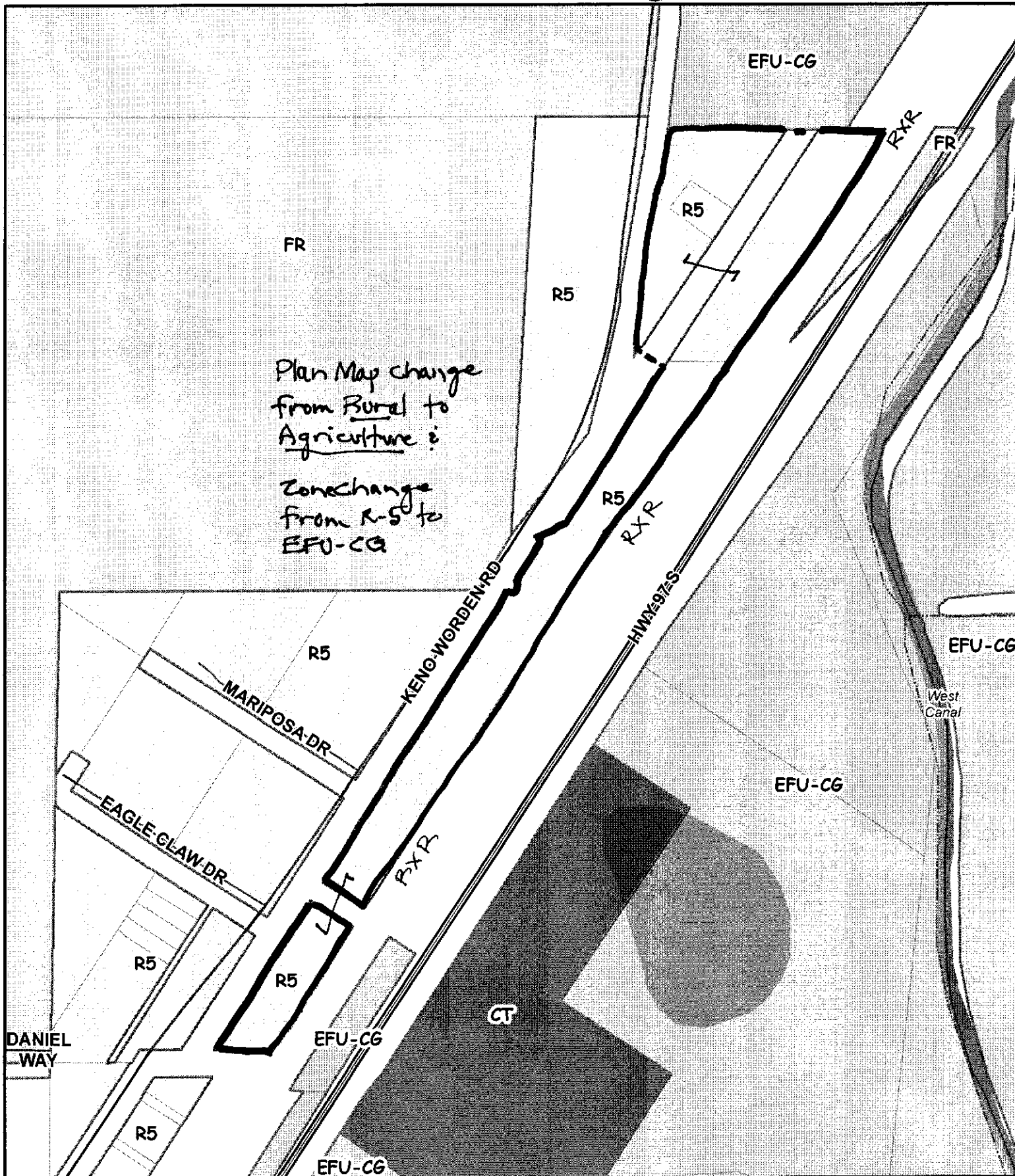
  
\_\_\_\_\_  
Commissioner

  
\_\_\_\_\_  
County Counsel  
Approved as to form

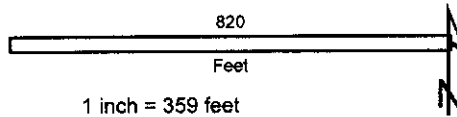
5/31/2017

**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.



**Klamath County**  
Vicinity



Date Printed: 4-3-17

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/ZC 4-17**

**FINAL ORDER**

WHEREAS, Donnie Frye, applicant, requested approval of an amendment to the Comprehensive Plan designation from Rural to Agriculture and change the zoning designation from R-5 (Rural Residential – 5 acre minimum lot size) to EFU-CG (Exclusive Farm Use – Crops and Grazing) on 13.93 acres; and

WHEREAS, the subject property is described as Tax Lots 100 and 300 in Section 34BD and Tax Lots 401 and 402 in Section 34 of Township 40 South, Range 8 East Willamette Meridian; and

WHEREAS, the Klamath County Planning Department provided proper notice of a public hearing held on May 23, 2017 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 recommendation of Approval for Planning File CLUP/ZC 4-17, with the Condition of Approval, to the Board of County Commissioners; 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/ZC 4-17 with the following Condition of Approval.

1. *Prior to the Final Order and Ordinance for this action being signed by the Board of Commissioners, the applicant shall obtain the necessary access permit from the Oregon Dept. of Transportation (ODOT) for a commercial use on the subject property and provide a copy to the Planning Dept.*

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 change as shown on attached Exhibit A.

Dated this 31<sup>st</sup> day of May, 2017

FOR THE BOARD OF COMMISSIONERS

Not Present

\_\_\_\_\_  
Chairman

  
Commissioner

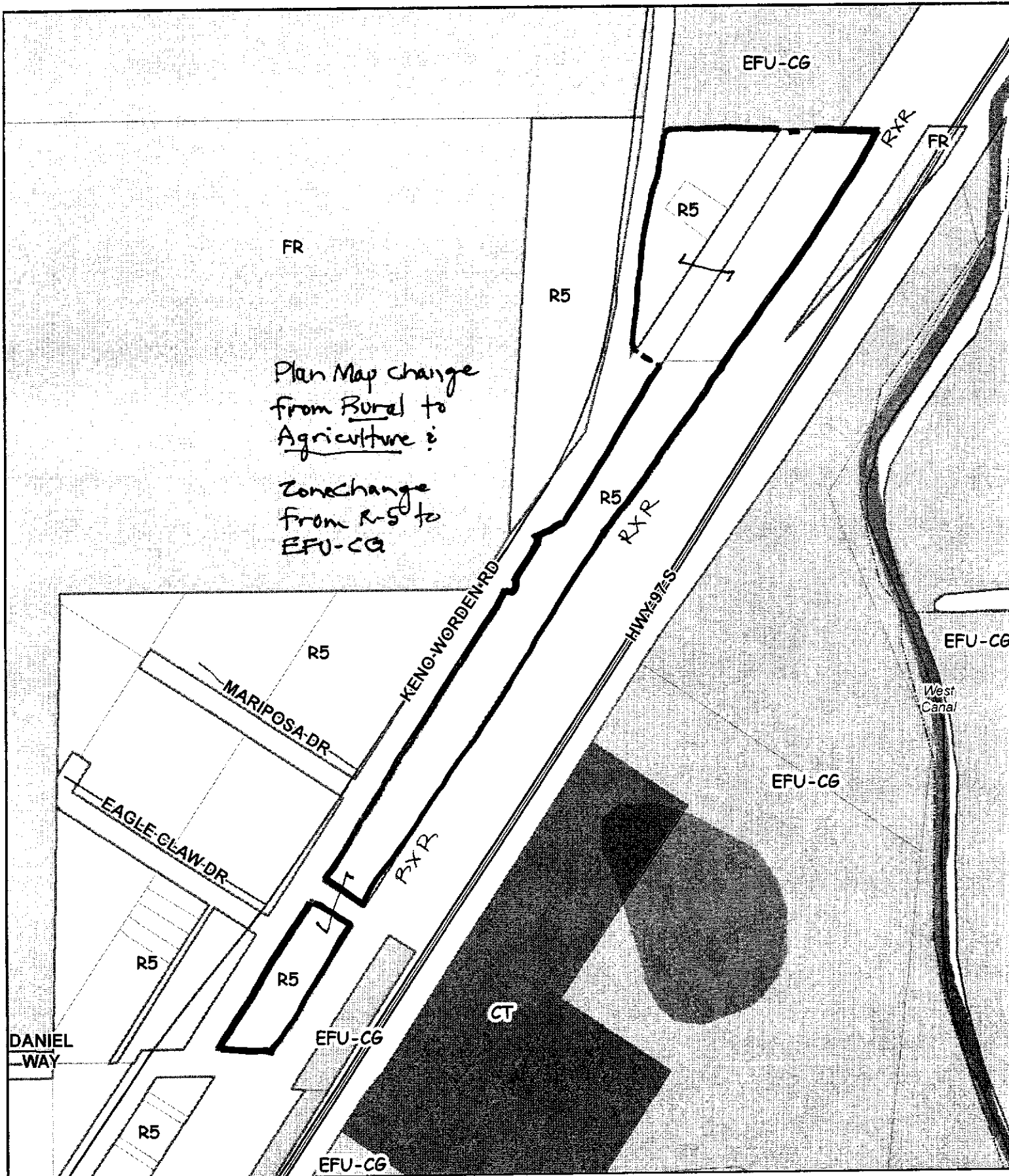
  
\_\_\_\_\_  
Commissioner

  
\_\_\_\_\_  
County Counsel  
Approved as to form

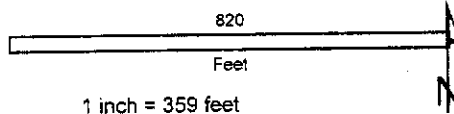
5/31/2017

#### 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**  
Vicinity -



Date Printed: 4-3-17

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.