



BEFORE THE KLAMATH COUNTY BOARD OF COMMISSIONERS

IN THE MATTER OF FILE NUMBER CLUP/ZC 6-17

(Corrected)
FINAL ORDER

WHEREAS, Leon Whistler, applicant, requested approval of an amendment to the Comprehensive Plan designation from Forestry to General Commercial and change the zoning designation from Forestry-Range (FR) to General Commercial (CG) on 5 acres; and

WHEREAS, the subject property is described as a 5 acre portion of Tax Lot 300 in Section 3 of Township 36 South, Range 10 East Willamette Meridian; and

WHEREAS, the Klamath County Planning Department provided proper notice of public hearings held on July 25, 2017 and January 23, 2018 and also held a public hearing on September 26, 2017, that was lacking property owner notices, 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 the proposed findings of fact in the revised application submittal and Revised Staff Report, the Klamath County Planning Commission concluded the application was not in conformance with State Law, Klamath County Land Development Code and Comprehensive Plan, and forwarded a recommendation of Denial for Planning File CLUP/ZC 6-17 to the Board of County Commissioners; and

WHEREAS, based on testimony entered and after consideration of the whole record; the Klamath County Board of Commissioners acting within their authority, on a 2-1 vote, did not agree with the Planning Commission's recommendation, and APPROVED the request of Planning File CLUP/ZC 6-17 with the following Condition of Approval.


1. *A Limited Use Overlay shall be placed on the 5 acres that only allows the additional uses to include a fueling station and laundromat with shower facilities in conjunction with the existing store. Any additional uses will require a future amendment to the Limited Use Overlay.*

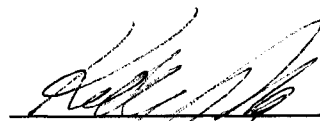
NOW, THEREFORE, THE KLAMATH COUNTY BOARD OF COMMISSIONERS
ORDER AS FOLLOWS:

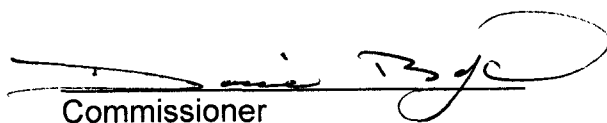
The Klamath County Planning Director shall draft for adoption by the Board of County Commissioners an ordinance amending the Klamath County Comprehensive Plan - General Land Use Plan Map and Zoning Map to reflect the proposed revision to the plan designation and zoning change as shown on attached Exhibit A. (This Final Order supersedes the prior Final Orders recorded as document 2017-011213 and 2018-001090.)

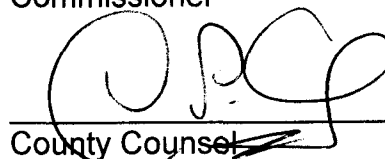
Dated this 21 day of February, 2018

FOR THE BOARD OF COMMISSIONERS


Chair

 2/20/18
Commissioner


Commissioner

 2/20/2018
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.