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03/12/2018 09:51:00 AM

Fee: NO FEE

BEFORE THE KLAMATH COUNTY BOARD OF COMMISSIONERS

IN THE MATTER OF FILE NUMBER CLUP 8-17**REMAND FINAL ORDER**

WHEREAS, Crescent Sanitary District, applicant, requested approval of an exception to Statewide Planning Goal 4 - Forestry to allow a sewage treatment facility to be located in the Forestry zone for the rural unincorporated community of Crescent; and

WHEREAS, the subject property is described as a 200 acre portion of Tax Lot 200 in Section 6 of Township 25 South, Range 9 East Willamette Meridian; and

WHEREAS, the Klamath County Planning Department provided proper notice of public hearings held on September 26, 2017 and February 27, 2018 (Remand) 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 added additional testimony for the Remand public hearing; and

WHEREAS, Cher Dolan, President, and Chuck Lawrence, Project Manager, of the Crescent Sanitary District provided testimony at the public hearing detailing the alternative sites selection process which involved contact with the Bureau of Land Management, Forest Service and Oregon Department of Forestry; and

WHEREAS, applicant's engineer, Darryl Anderson, testified that the site layout had been modified in favor of adjoining residents and that site mitigation measures will be taken to minimize impacts to adjoining properties; and

WHEREAS, based on testimony entered and consideration of the whole record, and making the proposed findings of fact in the application submittal, Applicant's supplemental information and Staff Report their own, the Klamath County Planning Commission concluded the application was in conformance with the OAR requirements for an exception including OAR 660-004-0020 Goal 2, Part II(c), Klamath County Land Development Code and Comprehensive Plan, and forwarded a recommendation of Approval for Planning File CLUP 8-17 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 8-17.

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 Statewide Planning Goal 4 – Forestry to allow a sewage treatment facility to be located in the Forestry zone for the rural unincorporated community of Crescent and subject to the following Condition of Approval.

1. Any changes to the siting of the setbacks, storage pond, lagoons, primary irrigation area or secondary irrigation area reflected in the Proposed Site Plan, submitted with the applications, shall require County land use approval.

This Final Order supersedes the prior Final Order dated September 26, 2017.

Dated this 10th day of March, 2018

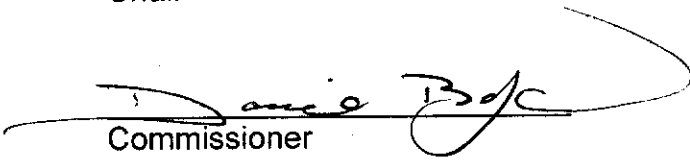
FOR THE BOARD OF COMMISSIONERS



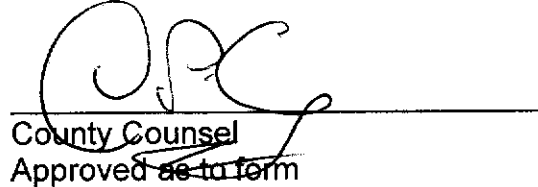
Chair



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 mail at 550 Capitol Street NE, Suite 235, Salem, Oregon 97301-2552). Failure to do so in a timely manner may affect your rights.