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Fee: NO FEE

BEFORE THE KLAMATH COUNTY BOARD OF COMMISSIONERS

IN THE MATTER OF FILE NUMBER CLUP/ZC 2-18**FINAL ORDER**

WHEREAS, Matthew Moore and Korina Wanamaker, applicants, requested approval of a Plan Map designation change from "Rural" to "Forestry" and Zone Change from Rural Residential – 5 acre minimum lot size (R-5) to Forestry/Range (FR) on 5 acres; and

WHEREAS, the subject property is described as Tax Lot 101 in Section 33DB and Tax Lot 800 in Section 33DA, both in Township 40 South, Range 8 East Willamette Meridian; and

WHEREAS, the Klamath County Planning Department provided proper notice of public hearings on March 27, 2018 (No Planning Commission Quorum), May 22, 2018 (No Board of Commissioner Quorum), and July 24, 2018 before the Klamath County Planning Commission and Board of Commissioners; and

WHEREAS, the applicant submitted said request for the Plan Map Amendment and Zone Change in due form for consideration; and

WHEREAS, based on testimony entered and consideration of the whole record, the Klamath County Planning Commission concluded that the application does **not** meet the requirements of the Klamath County Land Development Code and Comprehensive Plan, and recommended to the Board of Commissioners that the request of Planning File CLUP/ZC 2-18 be **DENIED** with the following findings:

1. Criterion 3 (Article 47.030(B) states the following:

The property affected by the proposed change of zone designation is properly related to streets and roads and to other public facilities and infrastructure to adequately serve the types of uses allowed in conjunction with such zoning.

Finding:

The site does not have a water right to allow well water usage for growing crops. It is found that the existing roads to the property are not adequate to handle the weight of regular water truck deliveries to the site to be used in the anticipated production of

hemp growing, and the rural residential neighborhood does not have any organized means of road maintenance.

2. Criterion 4 (Article 47.030(B) states the following:

The proposed change of zone designation will have no significant adverse effect on the appropriate use and development of adjacent properties.

Finding

It is found that the proposed agricultural use (hemp growing) on the property will have a significant adverse effect on the use and development of adjacent properties due to potential smell and truck traffic related to regular trucked water delivery.

WHEREAS, based on testimony entered and after consideration of the whole record; and with a recommendation of **DENIAL** from the Klamath County Planning Commission, the Klamath County Board of Commissioners acting within their authority, accepted the Planning Commission's recommendation, and unanimously **DENIED** the request of Planning File CLUP/ZC 2-18 with the recommended findings for denial.


Dated this 6 day of August, 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.