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2019-001778

Klamath County, Oregon



02/26/2019 02:48:09 PM

Fee: NO FEE

BEFORE THE KLAMATH COUNTY BOARD OF COMMISSIONERS

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

FINAL ORDER
(On Remand)

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 within the High Density Antelope Winter Range area; 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 proposal requires an exception to Statewide Planning Goal 4 – Forestry as it's within the Forestry designation on the General Land Use Plan Map and possibly Statewide Planning Goal 3 – Agriculture as the Forestry/Range Zone is a mixed forestry/agriculture zone; and

WHEREAS, the applicant submitted said request for the Comprehensive Plan amendment and associated zone change in due form for consideration; and

WHEREAS, the original approval by Klamath County was appealed to the state Land Use Board of Appeals (LUBA) and was remanded back to Klamath County; and

WHEREAS, the Klamath County Planning Department provided proper notice of a public hearing on the remand from the State Land Use Board of Appeals (LUBA) held on December 11, 2018 before the Klamath County Board of Commissioners; and

WHEREAS, the record was left open for a specified period of time for both the public and the applicant to submit additional testimony; and

WHEREAS, based on the application, with supplementary submittals, and testimony entered and consideration of the whole record, the Klamath County Board of Commissioners adopted the applicant's proposed facts and proposed findings (Exhibit 20) and the findings in the Revised Staff Report (herein incorporated by reference), and acting within their authority, voted to APPROVE the request of Planning File CLUP/ZC 6-17 with the following Conditions of Approval.

1. A Limited Use Overlay shall be placed on the 5 acres that only allows the existing store and additional uses to include a fueling station and laundromat with shower facilities. Any additional uses will require a future amendment to the Limited Use Overlay.
2. The location of the fueling station and laundromat shall be reviewed through a commercial site plan review which shall require compliance with the General Review Criteria of Article 57.

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, 2019

FOR THE BOARD OF COMMISSIONERS

Recused
Chair

[Signature]
Commissioner

[Signature]
Commissioner

[Signature]
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.

EXHIBIT A

Change the Plan Map designation from
Forestry to General Commercial, and

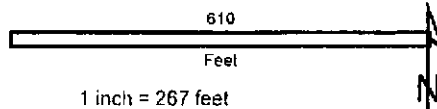
Change the zoning designation from
Forestry/Range to General Commercial

SPRAGUER RD

SPRAGUER RD

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNR/Airphoto, USDA, USDA/ARS, USDA/NRCS, and the USGS National Map

Klamath County



Date Printed: 6-19-17

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.