

BOARD OF COUNTY COMMISSIONERS

KLAMATH COUNTY, OREGON

IN THE MATTER OF CHANGING)
 THE COMPREHENSIVE PLAN)
 MAP DESIGNATION FROM)
 FORESTRY TO GENERAL)
 COMMERCIAL AND CHANGING)
 THE ZONING DESIGNATION)
 FROM FORESTRY/RANGE (FR))
 TO GENERAL COMMERCIAL)
 (CG) ON 5 ACRES.)

ORDINANCE 44.140

2019-001779

Klamath County, Oregon



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02/26/2019 02:48:27 PM

Fee: NO FEE

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 public hearings as required in KC Land Development Code Article 31; and

WHEREAS, quasi-judicial public hearings were held on July 25, 2017, September 26, 2017, which lacked property owner notices, and January 23, 2018, and a Revised 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 and the proposed findings of fact provided in the Application and Revised Staff Report, Klamath County Planning Commission recommended denial 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, not agreeing with the recommendation for denial by the Planning Commission, voted to approve the proposed amendment to the Comprehensive Plan Map and Zoning Map; and

WHEREAS, the approval was appealed to the State Land Use Board of Appeals and was remanded back to Klamath County to correct errors; and

WHEREAS, a public hearing on the remand was noticed for November 20, 2018, where the applicant requested a continuance to December 11, 2018 when the public hearing was held, and the record was left open for additional comment; and

WHEREAS, a special meeting of the Board of Commissioners was held on January 29, 2019 for deliberations and the Klamath County Board of Commissioners voted to approve the amendment to 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 6-17, which are described and attached hereto and marked as Exhibit "A," and incorporated herein by reference, are hereby adopted with the following conditions of approval. (This Ordinance replaces Ordinance 44.128 previously recorded).

- 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.*
- 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 of the Land Development Code.*

DATED this 21ST 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 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.

