

2019-009613

Klamath County, Oregon



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08/21/2019 11:34:42 AM

Fee: NO FEE

**BEFORE THE KLAMATH COUNTY  
BOARD OF COMMISSIONERS****IN THE MATTER OF FILE NUMBER CLUP/ZC 1-19****FINAL ORDER**

WHEREAS, Nicholas Staub, applicant, requested approval of an amendment to the Comprehensive Plan designation from Exclusive Farm Use to Non-Resource and associated zone change from Exclusive Farm Use – Cropland (EFU-C) to Non-Resource (NR) on approximately 80.3 acres; and

WHEREAS, the subject property is described as Tax Lot 100 in Section 33 of Township 40 South, Range 11 East Willamette Meridian; and

WHEREAS, the Klamath County Planning Department provided proper notice of a public hearing held on July 23, 2019 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 submitted by the applicant and Staff Report, the Klamath County Planning Commission concluded the application was in conformance with State Law, Klamath County Land Development Code and Comprehensive Plan, and forwarded a unanimous recommendation of the Adoption of the finding of fact as submitted by the applicant and Approval for Planning File CLUP/ZC 1-19 to the Board of County Commissioners; and

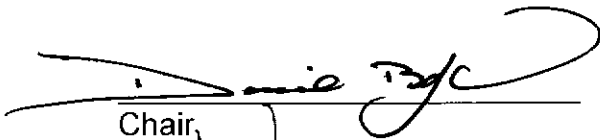
WHEREAS, based on testimony entered and after consideration of the whole record; and, with a unanimous recommendation from the Klamath County Planning Commission, the Klamath County Board of Commissioners acting within their authority, accepted the Planning Commission's recommendation, and unanimously ADOPTED the finding of facts as submitted by the Applicant to be incorporated within Ordinance 44.142 and APPROVED Planning File CLUP/ZC 1-19.

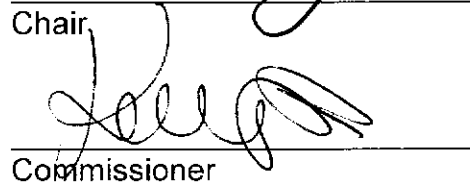
NOW, THEREFORE, THE KLAMATH COUNTY BOARD OF COMMISSIONERS  
ORDER AS FOLLOWS:

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.

Dated this 16<sup>th</sup> day of August, 2019

FOR THE BOARD OF COMMISSIONERS

  
Chair

  
Commissioner

**Not Present**

\_\_\_\_\_  
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.

## 4

[illegible]

Nicholas and Alexandria Staub

Request for Zone Change

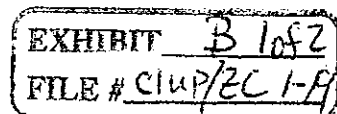
Tax Lot- R-4011-00000-06902

Review Criteria for Zone Change as based on questions from the Burdon of Proof Statement form.

No Special Privileges

I will not be afforded special privileges by being granted this zone change as a neighboring property was just awarded a zone change to Non Resource. Most all of the properties in the surrounding area are on similar ground types with similar uses as to what I want to do with my property. They are zoned Non Resource and that is what I would like to zone this property as.

1. A zone change to this lot will fall in line with the comprehensive plan of Klamath County, and specifically these goals within the comprehensive plan:
  - a. Goal 2 Policy 1A states that "these changes do not have a significant effect beyond the immediate area of change". The proposed change from EFU to Non-Resource will not have a significant affect to anyone, or anything around the property. The change will only make it easier for both the county offices and me to properly permit and build a residence for my family and me.
  - b. Goal 2 Policy 9 States that "the area possesses a large amount of land that is marginal agricultural land yet suitable for residential development." The proposed zone change falls into this policy perfectly as this land is not farmable, but will make a great location for my family and I to "enjoy a rural lifestyle" as it states in this policy. In policy 9 it also states that "The County will make available enough developable lands both inside the Klamath Falls Urban Growth Boundary AND outside to accommodate this growth".
  - c. Goal 10 Policy 7 States that the county will expedite and coordinate their permit approval processes to decrease construction and financing costs and to expedite residential construction. If the county truly wishes to encourage growth where it makes sense and help the local economy by expediting residential construction, this zone change fits that perfectly.
2. The property affected by the change of zone designation is 80.3 acres which is adequate in size and shape to facilitate the uses which the change would allow. The property is approximately



1350 feet wide and 2650 feet long. This is more than adequate to accomplish building a house and yet not affecting any of the neighboring properties.

3. The streets and roads which give the public access to the property are adequate to serve the need of building my home, which is the purpose for the zone change. Pope Rd is the access point and my impact to that road will be extremely minimal.
4. The zone change of this property from EFU to NR will have no significant adverse effect on the appropriate use and development of adjacent properties because it will not change anything that the adjacent properties can or can't do. The impact of the zone change is virtually nothing, and the adverse effect of the zone change is nothing. All of the neighboring properties will be able to continue their uses as they always have.
5. The proposed change falls in line with many of the applicable Goals and policies within the Comprehensive Plan. The reason the change is needed, is so that I can use the land more to its potential. The land is listed as EFU, but is extremely poor farm land. It is too rocky for crops, doesn't have a way to irrigate it for grazing, and is much better suited for residential construction. Klamath County's Comprehensive Plan outlines many great points about the need for flexibility to encourage growth without changing the overall goals which both the state and county are striving to accomplish. I know that my goals fall in line with the Comprehensive Plan, and that this zone change will help the county, state, and myself move towards reaching our unified goals.

