

BOARD OF COUNTY COMMISSIONERS

KLAMATH COUNTY, OREGON

IN THE MATTER OF CHANGING
 THE COMPREHENSIVE PLAN)
 MAP DESIGNATION FROM)
 EXCLUSIVE FARM USE TO NON-)
 RESOURCE AND ASSOCIATED)
 ZONING FROM EXCLUSIVE)
 FARM USE – CROPLAND TO)
 NON-RESOURCE (NR) ON 80.3)
 ACRES OF PROPERTY.)

ORDINANCE 44.142

2019-009614

Klamath County, Oregon



00245761201900096140050055

08/21/2019 11:35:41 AM

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

WHEREAS, a quasi-judicial public hearing was held on July 23, 2019 and a 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, the Klamath County Planning Commission adopted as its own the findings of fact provided in the Application, Staff Report and Staff Memorandum dated July 12, 2019 and recommended approval of the amendment of the Comprehensive Plan Map, and Zoning Map; and, said recommendation was forwarded to the Klamath County Board of Commissioners; and

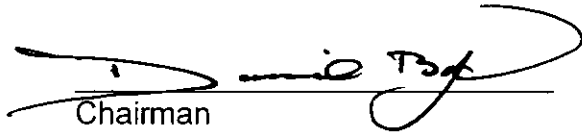
WHEREAS, the Klamath County Board of Commissioners voted to approve the Planning Commission recommendation to amend the Comprehensive Plan Map and Zoning Map; and

NOW, THEREFORE, the Klamath County Board of Commissioners ordains that the amendments to the adopted Klamath County Comprehensive Plan and Zoning Map which are attached hereto, marked as Exhibit "A," and incorporated herein by reference are hereby adopted.

1. *The Klamath County Comprehensive Plan - General Land Use Plan Map and Zoning Map are amended as shown on attached Exhibit A.*

DATED this 6th day of August, 2019.

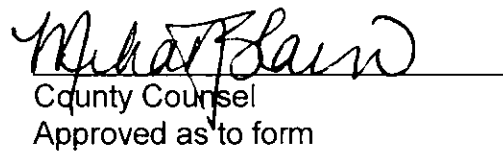
FOR THE BOARD OF COMMISSIONERS


Chairman


Commissioner

Not Present

Commissioner

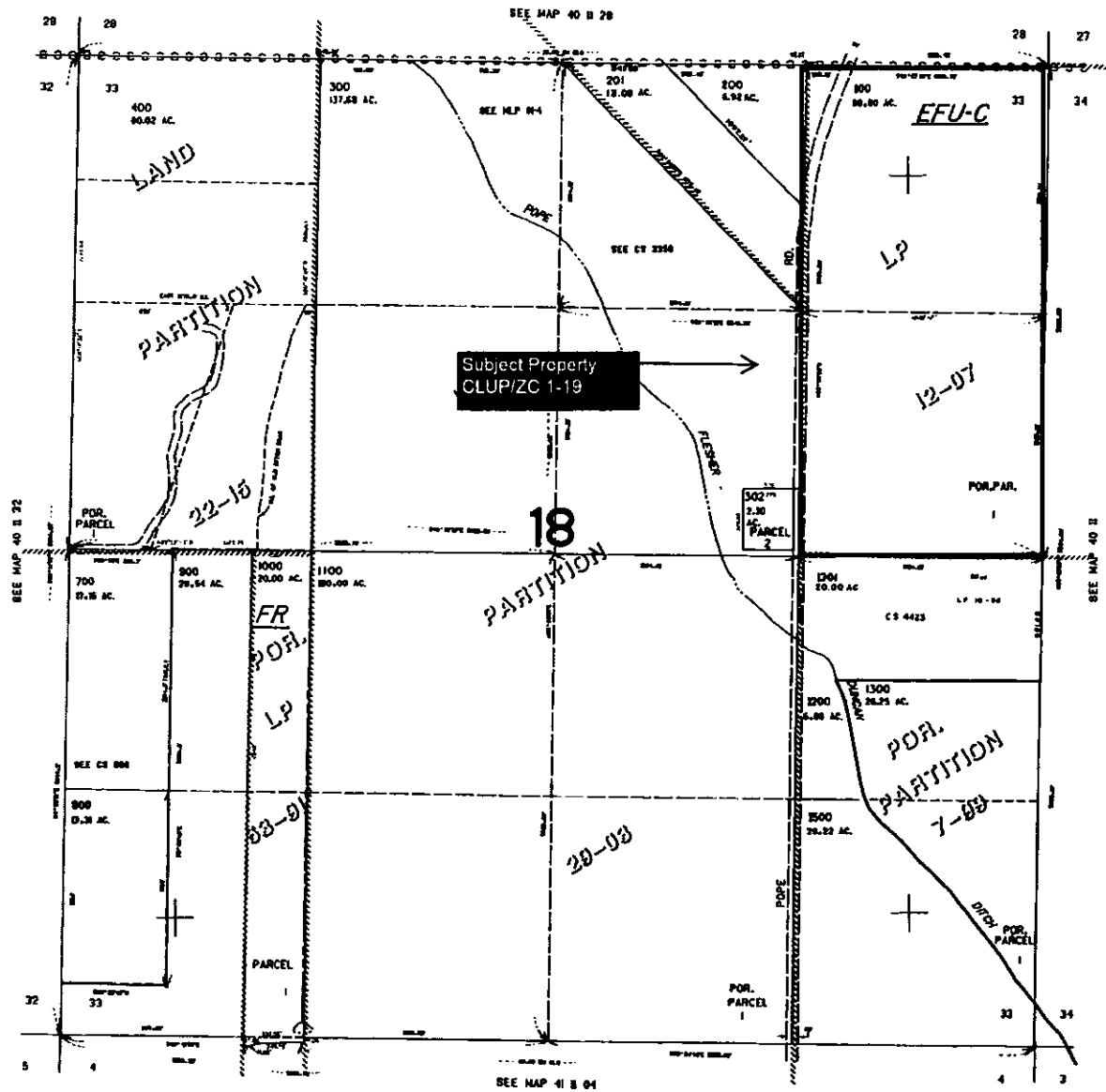

County Counsel
Approved as to form

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 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.

REVISED 05-03-2017
THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

SECTION 33 T.40S. R.11E. W.M.
KLAMATH COUNTY

 $r = 400'$ 

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

EXHIBIT B 1052
FILE # CLUP/EC 1-A

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.

