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Fee: NO FEE

BEFORE THE KLAMATH COUNTY BOARD OF COMMISSIONERS

IN THE MATTER OF FILE NUMBER CUP 5-19 (APPEAL)**FINAL ORDER**

WHEREAS, Nicholson Investment LLC, applicant, requested approval of a Conditional Use Permit for a Guest Ranch to allow for the development of 10 guest cabins on an existing livestock operation totaling 680 acres; and

WHEREAS, the home of the livestock operator is located on a 218 acres property separated from the remaining 462 acres by one quarter of a mile; and

WHEREAS, the 10 Guest Ranch Cabins will be sited on the 218 acre property where the Livestock Operator lives, and

WHEREAS, the subject property is described as Tax Lot 3000 in Section 17 of Township 33 South, Range 07 1/2 East Willamette Meridian; and

WHEREAS, the applicant submitted said request for the Conditional Use Permit for a Guest Ranch in due form for consideration; and

WHEREAS, the Klamath County Planning Department provided proper notice of a public hearing held on February 11, 2020 before the Klamath County Board of Commissioners; and

WHEREAS, the approval by the Klamath County Planning Commission was appealed to Klamath County Board of Commissioners based on: A) the subject property was not a lawfully established unit of land, B) guest ranch will not be incidental and accessory to the livestock operation, C) no evidence the person conducting the livestock operation lives on the subject property, and D) no evidence of compliance with Conditional Use Permit criteria; and

WHEREAS, based on the application, with supplementary submittals, and testimony entered and consideration of the whole record, the Klamath County Board of Commissioners reviewed each basis for appeal brought forth by the appellant, and

WHEREAS, the Klamath County Board of Commissioners found the record did not support the appellant's arguments for basis of appeal items B, C, and D; and adopting Planning Commissions Finding; and

WHEREAS, the Klamath County Board of Commissioners found that the appellant argument A had merit and even though the Nicholson family had owned the subject property for over 100 years over the years there had been a varieties of quick claim deeds within the family which clouded whether there was a single lawfully created unit of land of 160 acres, and

WHEREAS, the Klamath County Board of Commissioners found the replating of the Nicholson Investment Property via a land partition would establish a lawful unit of land of 160 acre or more where the guest ranch would be sited; and

WHEREAS, based on the finding the Board of County Commissioner upheld the approval of the Conditional Use Permit 5-19 for 10 Guest Ranch Cabins.

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

The Conditional Use Permit for a Guest Ranch with a maximum of 10 Cabins is conditionally approved with the following conditions:

- 1. Prior to any construction of any cabins, Planning must issue a Land Use Compatibility Statement (LUCS) and Building Permits must be obtained.**
- 2. Driveway permit will be required from KCPW for Nicholson Road.**
- 3. The applicable acreage of the guest ranch used for the Guest Ranch Cabins site which needs to be disqualified from farm use will be determined by the Klamath County Tax Assessor.**
- 4. Any outdoor Guest Cabin lighting shall be installed in compliance with dark night standards including installing only fully shielded fixtures, using only warm-white or filtered LED (<3000 Kelvin) and only light the exact space in the least amount needed.**
- 5. The Guest Ranch shall implement a quiet hour policy for guests of the Guest Ranch from 10pm to 6am.**
- 6. The applicant shall include on all promotional material and electronic media a statement asserting that not only is this a working ranch, but the ranch is located in a community of other working ranches who depend on the surrounding road system to move their cattle. Promotions shall state that cattle drives shall have the right of way to all vehicle traffic.**
- 7. The applicant shall complete a land partition process to create a unit of land of at least 160 acres prior to the issuance of a LUCS.**

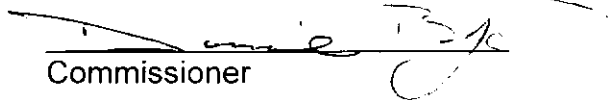
Dated this 5th day of March, 2020

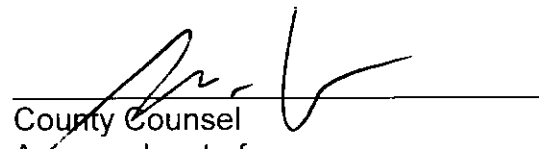
FOR THE BOARD OF COMMISSIONERS

Out of Office Today

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.