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## BEFORE THE KLAMATH COUNTY BOARD OF COMMISSIONERS

IN THE MATTER OF FILE NUMBER: TYP II 2-20

FINAL ORDER

WHEREAS, South Suburban Sanitation District, applicant, requested approval of an TYP II review for Land Application of Recycled Water onto land zoned Exclusive Farm Use - Cropland; and

WHEREAS, the subject property is described as Tax Lots 1300, 1200, in Section 17 in Township 39 South, Range 10 East Willamette Meridian, Tax Lots 901, 800 in Section 18 in Township 39 South, Range 10 East Willamette Meridian, Tax Lots 300, 200, and 600 in Section 20 in Township 39 South, Range 10 East Willamette Meridian and Tax Lot 601, in Section 19B in Township 39 South, Range 10 East Willamette Meridian; and

WHEREAS, the Klamath County Planning Department provided proper notice of a public hearing held on June 23, 2020 before the Klamath County Planning Commission and Board of County Commissioners; and

WHEREAS, the applicant submitted said request for the TYP II review in due form for consideration; and

WHEREAS, based on testimony entered and consideration of the whole record, and accepting the information provided in the application submittals as findings of fact and Findings in the Staff Report, the Klamath County Planning Commission concluded the application was not conformance with State Law, and the Klamath County Land Development Code and Comprehensive Plan and adopted findings attached as exhibit A; and

WHEREAS, based on the adopted findings, Planning Commission forwarded a recommendation of Denial for Planning File TYP II 2-20 to the Board of County Commissioners; and

WHEREAS, based on testimony entered and after consideration of the whole record; and with a recommendation for denial from the Klamath County Planning Commission, the Klamath County Board of Commissioners acting within their authority, accepted the Planning Commission's recommendation and findings, and unanimously **Denied** the request of Planning File TYP II 2-20; and

WHEREAS, the applicant appealed Klamath County's decision to the Land Use Board of Appeals; and

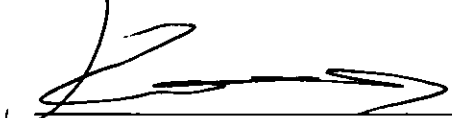
WHEREAS, the Land Use Board of Appeals reversed Klamath County's decision citing Klamath County's decision was in violation of ORS 215.246 forcing the Board of Commissioners to approve the application.

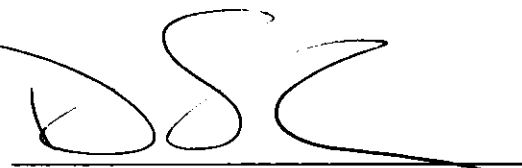
**NOW, THEREFORE, THE KLAMATH COUNTY BOARD OF COMMISSIONERS ORDER AS FOLLOWS:**

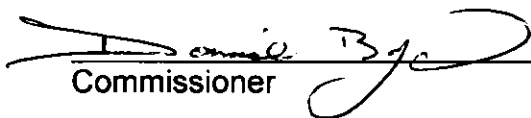
**Planning File TYP II 2-20 is approved and subject to the Conditions found in exhibit A.**


Dated this 19 day of January, 2021

**FOR THE BOARD OF COMMISSIONERS**

  
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.

Exhibit A  
*Conditions of Approval*

1. *The applicant shall obtain any and all permits and approvals required from the Oregon Department of Environmental Quality.*
2. *The applicant shall meet with Klamath County Public Works for all pipe crossing under County Roads. Show all easements and create easement access, utilities, irrigation, drainage and etc. where needed.*
3. *The applicant shall obtain any and all permits and approvals required from the Oregon Department of Parks and Recreation for the installation of pipe along the OC and E trail.*
4. *The applicant shall obtain any and all permits and approvals required from the US Bureau of Reclamation.*
5. *The applicant shall obtain any and all permits required for the Oregon Department of Transportation for the installation of pipe within ODOT right of way.*
6. *In the planning phase of the project, the applicant will need to complete a cultural/archaeological resource background research and pedestrian survey before any ground disturbing activities start. And the sharing of those results from the survey for review to the Oregon State Historic Preservation Office (SHPO) and the Klamath Tribes, Culture and Heritage Department.*
7. *The applicant shall obtain any and all permits and approvals required from the Klamath Irrigation District.*
8. *The applicant shall not prevent any natural or established drainage from flowing across the subject property.*