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BOARD OF COUNTY COMMISSIONERS

KLAMATH COUNTY, OREGON

IN THE MATTER OF CHANGING)
 THE ZONING MAP)
 DESIGNATION FROM)
 NEIGHBORHOOD COMMERCIAL)
 (CN) TO GENERAL
 COMMERCIAL (GC)

ORDINANCE 44.162

WHEREAS, the Klamath County Planning Commission has the authority and desires to amend the Official Klamath County Zoning Map; and

WHEREAS, the applicants submitted said request for the zone change in due form for consideration; and

WHEREAS, the subject property is described as Tax Lot 00100 in Section 10BA in Township 39 South, Range 9 East Willamette Meridian; and

WHEREAS, the Klamath County Planning Department provided written notice of the public hearing as required in Klamath County Land Development Code Article 31; and

WHEREAS, a quasi-judicial public hearing was held on December 14, 2021, and a Staff Report was provided, and public testimony was considered before the Klamath County Planning Commission; and


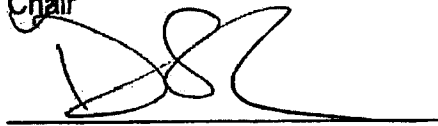
WHEREAS, based on testimony entered and in consideration of the whole record, the Klamath County Planning Commission adopted as its own findings of fact the applicant's statements provided in the Burden of Proof and the findings in the Staff Report and voted to **APPROVE** the amendment to the Zoning Map; and,

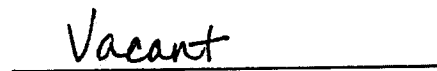
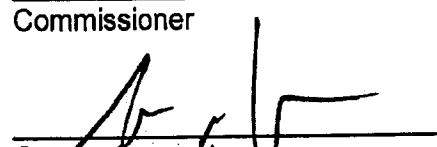
WHEREAS, the Klamath County Planning Director was directed by Final Order No. ZC 8-21 to draft this Ordinance to be approved by the Board of County Commissioners; and

NOW, THEREFORE, the Klamath County Board of Commissioners ordains that the amendment to the Klamath County Zoning Map, which is attached hereto and marked as Exhibit "A" and incorporated herein by reference, is hereby adopted changing the zone of the subject property from Neighborhood Commercial (CN) to General Commercial (GC) as shown on attached Exhibit A.

DATED this 8th day of February, 2022.

FOR THE BOARD OF COMMISSIONERS


Chair

Commissioner

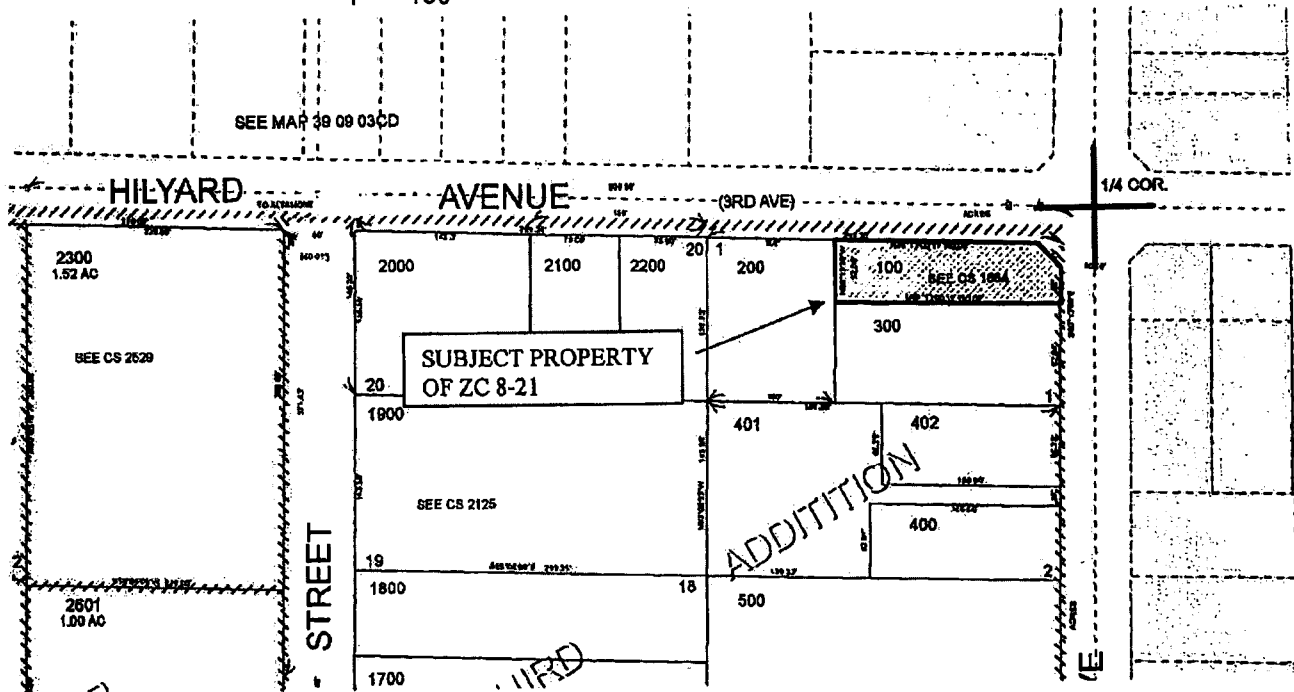

Vacant
Commissioner

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.

Exhibit "A"
Zone Change: NEIGHBORHOOD COMMERCIAL (CN) to GENERAL COMMERCIAL
(GC)
Map: 3909-010BA

NE1/4 NW1/4 SEC 10 T.39S. R.09E. W.M.
KLAMATH COUNTY
1" = 100'





BOARD OF COMMISSIONERS Agenda Item Summary

Agenda Category:

Item No:

6.1

Date: February 8, 2022

Originating Department: CDD/Planning, Erik Nobel, Planning Director

Issue: In the matter of adopting Ordinance 44.162 approving a zone change from NEIGHBORHOOD COMMERCIAL (CN) to GENERAL COMMERCIAL (GC). Map No. R-3909-010BA Tax Lots: 00100.

Background: The property owner, David Kinnan, submitted an application for a Zone Change from Neighborhood Commercial to General Commercial. Per Klamath County Land Development Code Article 47.020 Review Procedure a zone change application is processed in accordance to the Hearing Officer Review Procedures (Article 24). As stated in Article 24.020(E) in the absence of a hearing officer, Planning Commission may serve as the Hearing Officer.

On December 14, 2021 a public hearing was held where the staff report was given and public testimony was taken. After considering all of the evidence and testimony, Planning Commission unanimously adopted the following findings:

- 1) The Klamath County Planning Commissions finds the property has been developed as a commercial establishment for several decades.
- 2) The Klamath County Planning Commissions finds the property is fully built out and there is no more space to expand the building or add any additional buildings or outdoor storage.
- 3) The Klamath County Planning Commissions finds the proposed use, indoor mini storage, will create less vehicle trips to and from the subject property than a retail store.
- 4) The Klamath County Planning Commissions finds the proposed use (indoor mini storage) is a permitted use in the General Commercial zone and there will be no traffic impacts from rezoning the property from Neighborhood Commercial to General Commercial.

The Planning Commission then unanimously passed a motion instructing the Klamath County Planning Director to draft for signing by the Board of County Commissioners an ordinance amending the Klamath County Zoning Map to reflect the zone change from Neighborhood Commercial to General Commercial.

Fiscal Impact: There is no fiscal impact to Klamath County.

Recommended Motion: A motion to approve the signing of Ordinance 44.162. There is no fiscal impact to Klamath County.

DONE AND DATED this 8th day of February, 2022

Chair
Approved ☒
Denied ☐

Vice-Chair
Approved ☒
Denied ☐

Vacant

Commissioner
Approved ☐
Denied ☐