

Return to Commissioner's Journal



00301305202200070370070074

06/06/2022 10:38:04 AM

Fee: NO FEE

BEFORE THE KLAMATH COUNTY BOARD OF COMMISSIONERS

IN THE MATTER OF FILE NUMBER CLUP/ZC 1-22**FINAL ORDER**

WHEREAS, RC Group for John Johnson, applicant, requested approval of an amendment to the Comprehensive Plan designation from Residential to Industrial and change the zoning designation from Medium Density Residential (RM) to Light Industrial (IL) on 3.50 acre property; and

WHEREAS, the subject property is described as Tax Lot 05200 in Section 3AA in Township 39 South, Range 9 East Willamette Meridian; and

WHEREAS, the Klamath County Planning Department provided proper notice of a public hearing held on April 26, 2022 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 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 in conformance with State Law, Klamath County Land Development Code and Comprehensive Plan, and forwarded a recommendation of Approval for Planning File CLUP/ZC 1-22 to the Board of County Commissioners; and

WHEREAS, based on testimony entered and after consideration of the whole record; and with a recommendation for approval from the Klamath County Planning Commission, the Klamath County Board of Commissioners acting within their authority, accepted the Planning Commission's recommendation, and unanimously **APPROVED** the request of Planning File CLUP/ZC 1-22.

Finding of Facts

- 1) The Klamath County Planning Commissions finds the subject property is zoned Medium Density Residential (RM) which allows for residential uses and finds the proposed use office and mini storage is not allowed in the Medium Density Residential zone.


- 2) The Klamath County Planning Commissions finds the surrounding properties are zoned residential and developed with single family homes.
- 3) The Klamath County Planning Commissions finds the proposed zone, light industrial, is a up zone and allows uses that are incompatible to the surrounding residential properties.
- 4) The Klamath County Planning Commissions finds the east side of the property abuts the "A" Canal and maintenance of the canal become more difficult for the managing irrigation district if the subject property is developed with single family dwellings along the canal.
- 5) The Klamath County Planning Commissions finds Article 59.8 Limited Use Overlay allows the Planning Commission to recommend restriction on the zone change to permit only certain uses in the Light Industrial zone.
- 6) The Klamath County Planning Commissions finds that rezoning the property to light industrial and restricting the allowed uses to a) Parking Services, B) Mini-Storage, C) Administrative Services, and D) Accessory Buildings and Uses; and the frontage along Crest Street and along property boundary Kiger Stadium will be fences with a sight obscuring chain link fence or wood fence or landscaped in accordance with the City of Klamath Falls Community Development Code makes for a more logical and coherent land use pattern.
- 7) The Klamath County Planning Commission finds the proposed comprehensive plan change and zone change meets the criterial found in Article 47, Article 48, and Klamath Falls Urban Comprehensive Plan.

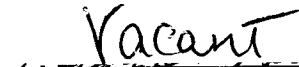
NOW, THEREFORE, THE KLAMATH COUNTY BOARD OF COMMISSIONERS
ORDER AS FOLLOWS:


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.

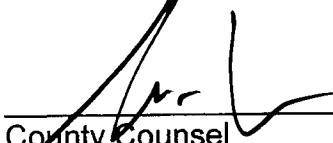
Dated this 31st day of May, 2022

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.

Map of Comprehensive Plan and Zoning Change
from Commercial to Residential and change the zoning designation from Medium Density
Residential (RM) to Light Industrial (IL) with restricted uses.



BOARD OF COUNTY COMMISSIONERS

KLAMATH COUNTY, OREGON

**IN THE MATTER OF CHANGING
THE COMPREHENSIVE PLAN)
MAP DESIGNATION FROM)
COMMERCIAL TO RESIDENTIAL)
AND ASSOCIATED ZONING)
FROM GENERAL COMMERCIAL)
(GC) to MEDIUM DENSITY)
RESIDENTIAL ON 0.50 ACRES)
OF PROPERTY.)**

ORDINANCE 44.164

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 Klamath County Land Development Code Article 31; and

WHEREAS, a quasi-judicial public hearing was held on April 26, 2022 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, and Staff Report 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

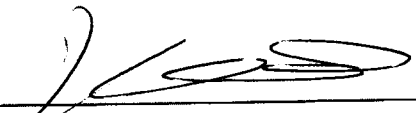
WHEREAS, the Klamath County Board of Commissioners voted to approve the Planning Commission recommendation to amend the Comprehensive Plan Map and Zoning Map; and


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 to rezone the subject property to Suburban Residential (RS) on 0.50 acres of property as proposed in File Number CLUP/ZC 2-22.***

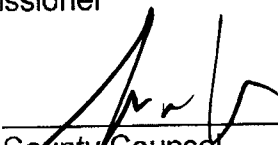
DATED this 31st day of May, 2022.

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 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

Map of Comprehensive Plan and Zoning Change:
From: General Commercial (GC) To: Medium Density Residential (RM) on 0.50 acre of
property

