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06/06/2022 10:39:04 AM

Fee: NO FEE

BEFORE THE KLAMATH COUNTY BOARD OF COMMISSIONERS

IN THE MATTER OF FILE NUMBER CLUP/ZC 2-22**FINAL ORDER**

WHEREAS, Tom Bocchi for Plum Ridge Estates, applicant, requested approval of an amendment to the Comprehensive Plan designation from Commercial to Residential and change the zoning designation from General Commercial (GC) to Medium Density Residential (RM) on parcel 1 and 2 of Land Partition 27-21; and

WHEREAS, the subject property is described as Tax Lot 02500 and 02501 in Section 2BC 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 2-22 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 2-22.

Finding of Facts

- 1) The Klamath County Planning Commissions finds the subject property is zoned General Commercial which does not allow for residential uses and finds the proposed use single family dwellings is allowed in the Medium Density Residential zone.

- 2) The Klamath County Planning Commissions finds in parcel 1 of LP 27-21 is currently developed with a single-family residence and that parcel 2 has been developed in the past with single family residence.
- 3) The Klamath County Planning Commissions finds the proposed use single family residence will create less vehicle trip to and from the subject property than a commercial use.
- 4) The Klamath County Planning Commissions 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.

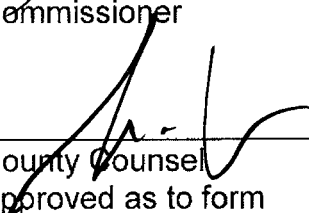
Dated this 31 day of May, 2022

FOR THE BOARD OF COMMISSIONERS


Chair


Commissioner

Vacant
Commissioner

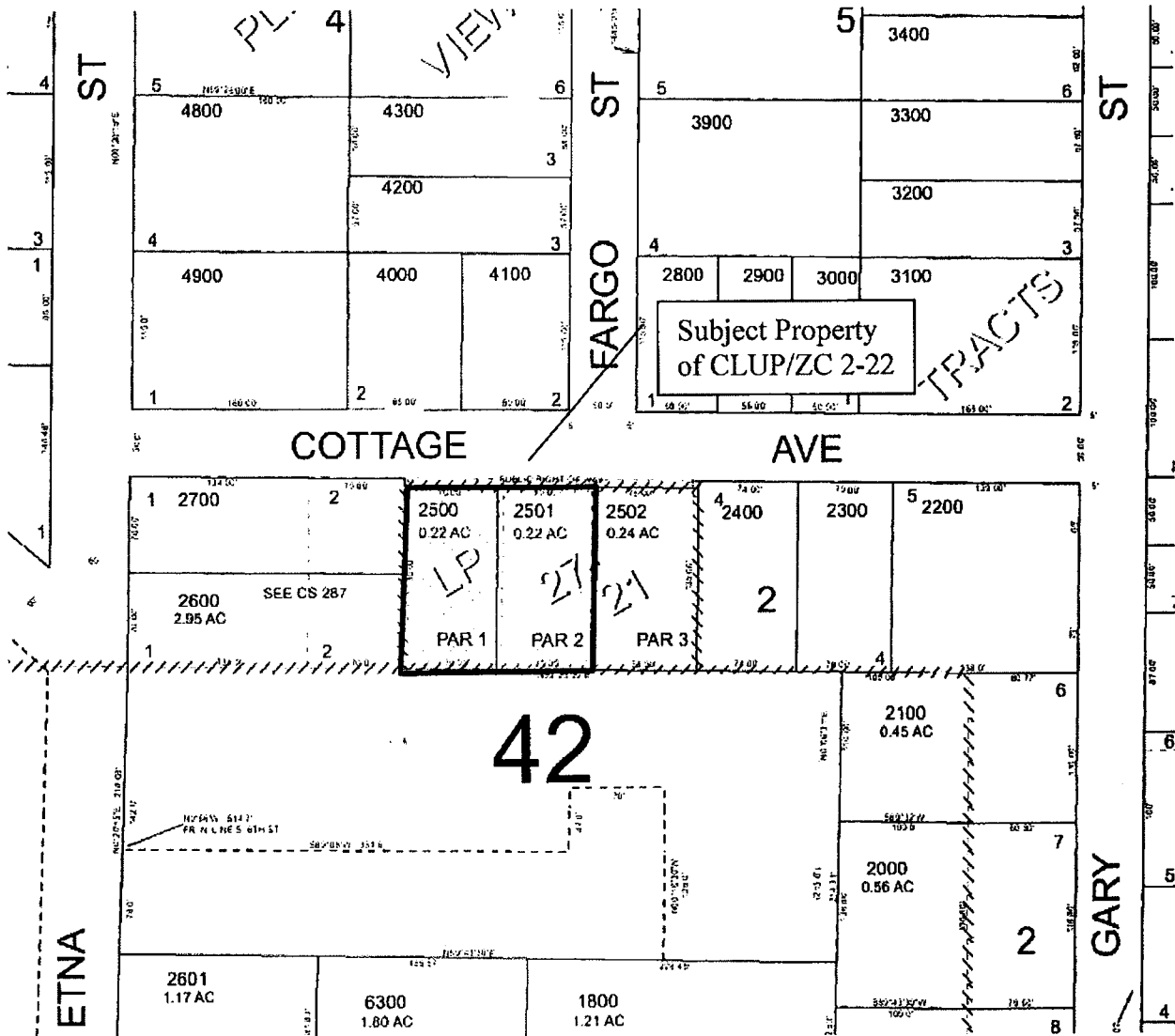

County Counsel
Approved as to form

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 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 Commercial to Residential and change the zoning designation from General
Commercial (CG) to Medium Density Residential (RM).



BOARD OF COUNTY COMMISSIONERS

KLAMATH COUNTY, OREGON

**IN THE MATTER OF CHANGING
THE COMPREHENSIVE PLAN)
MAP DESIGNATION FROM)
RESIDENTIAL TO INDUSTRIAL)
AND ASSOCIATED ZONING)
FROM MEDIUM DENSITY)
RESIDENTIAL (RM) to LIGHT)
INDUSTRIAL (IL) ON 3.5 ACRES)
OF PROPERTY.)**

ORDINANCE 44.163

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

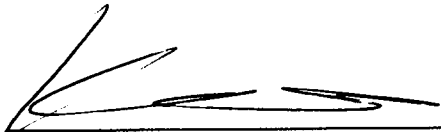
WHEREAS, the Klamath County Board of Commissioners voted to approve the Planning Commission recommendation to amend the Comprehensive Plan Map and Zoning Map; and

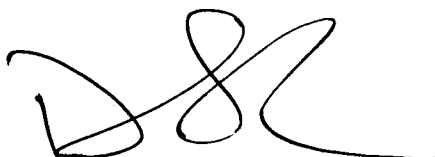
NOW, THEREFORE, the Klamath County Board of Commissioners ordains that the amendments to the adopted Klamath County Comprehensive Plan and Zoning Map which are attached hereto, marked as Exhibit "A," and incorporated herein by reference are hereby adopted.

- 1. The Klamath County Comprehensive Plan - General Land Use Plan Map and Zoning Map are amended to rezone the subject property to Light Industrial (IL) and restricted to the following uses 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 on 3.50 acres of property as proposed in File Number CLUP/ZC 1-22.***

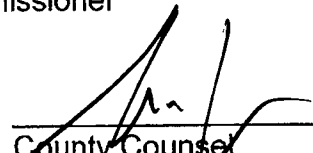
DATED this 31 day of May, 2022.

FOR THE BOARD OF COMMISSIONERS


Chair


Commissioner


Commissioner


County Counsel
Approved as to form

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Exhibit A

Map of Comprehensive Plan and Zoning Change:

From: Medium Density Residential (RM) To: Light Industrial (IL) and restricted to the following uses 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

