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BEFORE THE KLAMATH COUNTY BOARD OF COMMISSIONERS

IN THE MATTER OF FILE NUMBER: CLUP/ZC 6-22

FINAL ORDER

WHEREAS, Darryl Goodson, applicant, requested approval of a Comprehensive Plan and Zone Change from Rural Residential (R5) to Forest Range (FR) for the purpose of commercial aquaculture facility; and

WHEREAS, the subject property is described as Tax Lots 1000, in Section 22 in Township 36 South, Range 10 East Willamette Meridian, and

WHEREAS, the Klamath County Planning Department provided proper notice of a public hearing held on February 28, 2023 before the Klamath County Planning Commission and Board of County Commissioners; and

WHEREAS, the applicant submitted said request for the Comprehensive Plan and 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 in a 4 to 2 vote concluded the application was in conformance with State Law, and the Klamath County Land Development Code and Comprehensive Plan based on the applicants find of fact; and

Whereas, based on the adopted findings, Planning Commission forwarded a recommendation of approval for Planning File CLUP/ZC 6-22 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, rejected the Planning Commission's recommendation and findings, and unanimously **denied** the request of Planning File CLUP/ZC 6-22 based on the finding Criterion 1 of Article 48.030 (B) was not met.

Finding of Facts

Klamath County Land Development Code Article 48.030 (B) (1):

The proposed change is supported by specific studies or other factual information, which documents the public need for the change;

Finding:

The applicant did not demonstrate the public need for the proposed Comprehensive Plan and Zone Change. The applicant's finding only addressed why the change was good for an individual business not the public need. The applicant's finding did not include an alternative analysis demonstrating the applicant's attempts to find lands appropriately zoned for the proposed aquiculture business.

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

Planning File CLUP/ZC 6-22 is denied.

Dated this 4th day of April, 2023

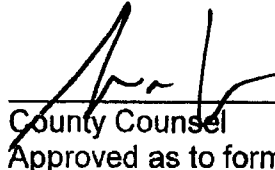
FOR THE BOARD OF COMMISSIONERS



Chair

Not Present

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.