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BEFORE THE KLAMATH COUNTY BOARD OF COMMISSIONERS

IN THE MATTER OF FILE NUMBER: CLUP/ZC 1-24 **FINAL ORDER**

WHEREAS, Kenneth and Slyvia Schell, applicant, requested approval of a Comprehensive Plan and Zone Change from Exclusive Farm Use – Crops to Rural Residential (R5) for the purpose of a rural subdivision; and

WHEREAS, the subject property is described as Tax Lot 01303, in Section 17 in Township 39 South, Range 10 East Willamette Meridian, and

WHEREAS, the applicant submitted said request for the Comprehensive Plan and Zone Change in due form for consideration; and

WHEREAS, the Klamath County Planning Department provided proper notice of a public hearing held on February 27, 2024 before the Klamath County Planning Commission and Board of County Commissioners; and

WHEREAS, upon request from the applicant, the record was left open for additional submittal until March 21, 2024; and

WHEREAS, on April 23, 2024, the Klamath County Planning Commission and Board of County Commissioners held a joint meeting to deliberate and render a decision regarding CLUP/ZC 1-24; 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 unanimously concluded the application was not in conformance with State Law, and the Klamath County Land Development Code and Comprehensive Plan based on the finding the subject site of CLUP/ZC 1-24 could produce agricultural products with or without irrigation water, and applicants did not provide an analysis showing the need for additional rural residential zoning; and

Whereas, based on the adopted findings, Planning Commission forwarded a recommendation of denial for Planning File CLUP/ZC 1-24 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, upheld the Planning Commission's recommendation and findings, and unanimously **denied** the request of Planning File CLUP/ZC 1-24 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 findings did not include enough information to conclude that agricultural products could not be produced without irrigation water, nor was there an analysis of the need for additional lands to be zoned rural residential.


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


Planning File CLUP/ZC 1-24 is denied.

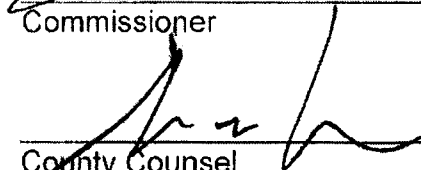
Dated this 14th day of May, 2024

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.