

BOARD OF COUNTY COMMISSIONERS

KLAMATH COUNTY, OREGON

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2
3 IN THE MATTER OF THE APPLICATION)
4 FOR CONDITIONAL USE PERMIT NO.)
26-82 FOR AVON CUMMINS)

O R D E R

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6 THIS MATTER having come on for hearing upon the applica-
7 tion of Avon Cummins for a Comprehensive Land Use Plan from
8 Forestry to Rural and a zone change from F-I (Forestry) to R
9 (Rural) on real property described as a portion of Sections 4
10 and 9, Tax Lots 26 and 84, Township 41, Range 12. Public hearing
11 having been heard by the Klamath County Planning Commission on
12 June 22, 1982, wherefrom the testimony and information produced
13 at the hearing by the applicant, Planning Staff and others in
14 attendance the Planning Commission recommended approval. Follow-
15 ing action by the Planning Commission, a public hearing before
16 the Board of Commissioners was held on July 12, 1982, wherefrom
17 the testimony at said hearing it appeared that the record below
18 was accurate and complete at the hearing before the Planning
19 Commission and that the application should be granted.

20 The Board of Commissioners makes the following Findings
21 of Fact and Conclusions of Law:

FINDINGS OF FACT:

- 22
23 1. The Board of County Commissioners finds the applicant
24 to be Avon Cummins.
25 2. The Board of County Commissioners finds that the
26 general location of the site is approximately 2½ miles north
27 of the City of Malin and located at what is known as Turkey Hill.
28 3. The Board of County Commissioners finds that the size

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1 of property involved for change in land use is approximately
2 20 acres and rectangular in shape.

3 4. The Board of County Commissioners finds that the
4 ground is hilly and steep, with sagebrush and juniper making up
5 the vegetation.

6 5. The Board of County Commissioners finds, based on
7 testimony given that site is not suitable for raising forest
8 products in any economical fashion and site does not have
9 commercial forest species on site as of now.

10 6. The Board of County Commissioners finds that the
11 purpose of the Conditional Use Permit is for a homesite in a
12 rural setting.

13 7. The Board of County Commissioners finds that per
14 testimony, that access would be off of County roads called
15 Drazil Road and Transformer Road. These roads are paved and
16 appear to be able to carry the kind of traffic that would be
17 generated by proposed use.

18 8. The Board of County Commissioners finds per testimony
19 that the effect on adjacent and surrounding properties would be
20 minimal to none in that it does not adversely effect agriculture
21 or forestry uses.

22 9. The Board of County Commissioners finds per testimony
23 that there is adequate water and that testimony was also given
24 that adequate drain fields or septic systems would be accepted
25 in the area.

26 10. The Board of County Commissioners finds that change
27 in land use would not have an adverse effect on wildlife on Goal
28 No. 5 elements.

1 11. The Board of County Commissioners finds that notifi-
2 cation had been sent to all those of concern.

3 12. The Board of County Commissioners finds site to be
4 predominantly Class VII soils and no exceptions were needed.

5 13. The Board of County Commissioners finds site to
6 have a Timber Site Productivity Class of V, however, site from
7 a vegetation standpoint was sagebrush, juniper and native grass.

8 14. The Board of County Commissioners finds site for
9 change in use, not being in a historic area or having no natural
10 resources.

11 15. The Board of County Commissioners find site to be in
12 the Malin Fire District and is also located in a low fire hazard
13 area.

14 16. The Board of County Commissioners finds site to have
15 public facilities such as electricity and telephones and also
16 is within the Malin school district.

17 17. The Board of County Commissioners finds per testimony
18 that the use is compatible with forest and farm uses in the area,
19 and is consistent with the intent of the agriculture and forestry
20 zones and that the proposed homesites will not interfere serious-
21 ly with accepted farming practices and will not alter the overall
22 land use pattern of the area and that the homesites will be
23 situated on unsuitable land for production of farm crops and
24 livestock considering the poor soil class, sparse vegetation,
25 and steep terrain in some areas.

26 CONCLUSIONS OF LAW:

27 1. The Board of County Commissioners concludes that
28 the Conditional Use Permit permits orderly and beneficial

1 development, while protecting the character of neighborhoods
2 and communities, and the social and economic stability of the
3 County.

4 2. The Board of County Commissioners concludes that this
5 Conditional Use Permit supports the protection and preservation
6 of the County's space and recreational resources while providing
7 for appropriate development.

8 3. The Board of County Commissioners concludes that
9 this Conditional Use Permit will further the goals and policies
10 of the Klamath county Comprehensive Plan.

11 NOW, THEREFORE, it is hereby ordered that the application
12 for the Conditional Use Permit for homesites on resource land
13 for Avon Cummins on subject property is hereby approved.

14 DONE AND DATED THIS 20th DAY OF October, 1982.

15
16 Harold L. Kynne
Chairman

17
18 Chris A. Payne
Commissioner

19
20 Nell Kuonen
Commissioner

21
22
23
24 APPROVED AS TO FORM:
BOIVIN & BOIVIN

25 BY Robert D. Krum

STATE OF OREGON,)
County of Klamath)

Filed for ~~XXXX~~ ~~XXXXXXXXXX~~

26 26 day of Oct, A.D. 19 82

8:30 o'clock A M, and duly

27 recorded in Vol. M82 of Deeds

28 14183

EVERYNN BROWN, County Clerk

By Joyce McShure Deputy

Fee No fee COMMISSIONERS JOURNAL