

36170

BEFORE THE BOARD OF COMMISSIONERS

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KLAMATH COUNTY, OREGON

In The Matter of a Request)
For a Conditional Use Permit)
for Non-Farm Use for Richard)
Bauman)

Conditional Use Permit 13-24
Findings & Decision

This matter came on for a hearing before the Klamath County Board of Commissioners on April 9, 1984 in the Klamath County Commissioner's Hearing Room. The hearing was held pursuant to notice given in conformity with the Land Development Code and related ordinances. The applicant and Planning Department Staff were present as well as legal counsel.

The Board of Commissioners, after reviewing the evidence, exhibits and testimony presented, made the following Findings of Fact:

FINDINGS OF FACT:

1. The subject property is owned by Richard and Janice Bauman. The applicant requested a Conditional Use Permit to allow a non-farm parcel and residence on 7.95 acres in the EFU-CG (Exclusive Farm Use-Cropland/Grazing) zone.
2. The property is generally located approximately east of State Highway 427 and south of Lake Forest Road, being in the Agency Lake area. The legal description of the property is a portion of Section 18, Township 35, Range 7, being Tax Lot 204.
3. The plan designation is Agricultural, with the zoning being EFU-CG (Exclusive Farm Use-Cropland/Grazing). Adjacent zoning and/or surrounding zoning is a mixture of EFU-CG and R-1.

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4. The property consists of 7.95 acres, rectangular in shape, consisting of native grass for vegetation, with topography being relatively flat.

5. Access to the property will be via a proposed easement off of Lake Forest Road and State Highway 427, which Mr. Bauman is obtaining from the State Highway Department.

6. Sewer is provided to the property by septic tank and the property is served by Pacific Power and Light.

7. No adverse comments have been received by any surrounding property owners.

8. The size of the parcel makes it impossible to farm or otherwise use in an agriculturally productive manner. The property apparently has never been used for any agricultural production.

KLAMATH COUNTY DEVELOPMENT CODE CRITERIA:

1. Klamath County Land Development Code, Section 44.003, sets forth the criteria for consideration in the application of a Conditional Use Permit.

A. That the use is conditionally permitted in the zone in which it is proposed.

B. That the location, size, design and operating characteristics of the proposed use is in conformance with the Klamath County Comprehensive Plan.

C. That the location, size, design and operating characteristics of the proposed development will be compatible with, and will not adversely effect the livability or appropriate development of abutting properties in the surrounding neighborhood. Consideration shall be given to the harmony in

scale, bulk, coverage and density; to the availability of civic facilities, and utilities; to harmful effects, if any, upon desirable neighborhood character; to the generation of traffic and the capacity of surrounding streets and to other relevant impact of the development.

2. Klamath County Land Development Code, Section 51.017 sets forth the criteria for non-farm dwellings:

A. Single family dwelling not in conjunction with farm use may be established subject to a Conditional Use Permit and a finding that each such dwelling:

i. Is compatible with farm use as defined in this Code and consistent with the agricultural land use policy adopted by the legislative assembly in ORS 215.243;

ii. Does not interfere seriously with accepted farming practices on adjacent lands devoted to farm use;

iii. Does not materially alter the stability of the overall land use pattern of the area;

iv. Is situated upon generally unsuitable land for the production of farm crops and livestock, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of the tract; and

v. Complies with such other conditions as the Board of County Commissioners or its designate considers necessary.

3. Klamath County Land Development Code, Section 51.018, also sets forth that all proposed partitionings of land for farm use permitted by said Section meet the following criteria:

1 A. The parcel shall be designed to use the least
2 amount of agricultural land consistent with the needs of the
3 proposed use. Wherever possible, land unsuited for crops or
4 livestock shall be used,

5 B. The parcel and the access to it shall be designed
6 so as not to interfere with accepted farm practices on
7 surrounding land.

8 KLAMATH COUNTY LAND DEVELOPMENT CODE FINDINGS AND
9 CONCLUSIONS:

10 1. The proposed use is compatible with farm use as
11 defined in this Code and consistent with the agricultural land
12 use policy adopted by the legislative assembly in ORS 215.243.
13 Since it does not use agriculturally productive land, it does
14 not have any effect on surrounding agricultural uses.

15 2. The proposed use does not interfere seriously with
16 accepted farming practices on adjacent land devoted to farm use
17 since it does not use agriculturally productive land and is to be
18 used solely for a non-farm dwelling and not for any other use
19 which would affect accepted farming practices.

20 3. The proposed use does not initially alter the
21 stability of the overall land use pattern of the area since,
22 again, it does not use agriculturally productive land, and access
23 to the property will not interrupt any overall land use pattern.

24 4. The proposed use is situated upon generally unsuitable
25 land for the production of farm crops and livestock, considering
26 the terrain, adverse soil, poor land conditions, drainage and
27 flooding, vegetation and location and size of the tract. This
28 is especially true considering the size of the parcel and the

1 prior use history of the property for agricultural purposes.

2 5. The proposed use complies with such other conditions
3 necessary which are none, except that the applicant follow the
4 partition map, Exhibit C, as filed.

5 6. The parcel and the access to it have been designed so
6 as to not interfere with accepted farming practices on the
7 surrounding land.

8 7. The location, design and site planning of the proposed
9 development will provide for a convenient and functional living
10 environment and will be as attractive as the nature of the use and
11 its location in this setting warrant.

12 8. The use is conditionally permitted in the zone in which
13 it is proposed to be located.

14 9. The location, design and operating characteristics of the
15 proposed use are in conformance with the Klamath County Comprehen-
16 sive Plan.

17 10. The location, size, design and operating characteristics
18 of the proposed development will be compatible with, and will not
19 adversely effect the livability or appropriate development of the
20 abutting properties and the surrounding neighborhood.

21 CONCLUSIONS OF LAW AND DECISION:

22 1. This request for a Conditional Use Permit on the subject
23 property meets all applicable Klamath County Development Code
24 criteria and policies governing such.

25 2. This request for a Conditional Use Permit is consistent
26 with, and complies with, all the applicable State-wide planning
27 goals and review criteria as submitted by the Board of Commissioners.

28 3. The following conditions are deemed necessary to protect

1 the health, safety and welfare of the citizens of Klamath County:
2 CONDITION:

3 a. That the applicant follow the partition map as submitted.
4 THEREFORE, it is hereby ordered that the request for a

5 Conditional Use Permit on the subject property herein described
6 is hereby granted, subject to the condition as set forth above.
7 DATED this 25th Day of April, 1984.

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10 KLAMATH COUNTY BOARD OF COMMISSIONERS

11 Roger Hamilton
12 Roger Hamilton, Chairman

13 Carroll Zon Gerbert
14 Carroll Zon Gerbert, Commissioner

15 Nell Kuonen
16 Nell Kuonen, Commissioner

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21 Return: Commissioners Journal

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23 APPROVED AS TO FORM

24 By Boivin & Boivin
25 Boivin & Boivin

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27
28 C.U.P. 13-84
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STATE OF OREGON: COUNTY OF KLAMATH:ss
I hereby certify that the within instrument was received and filed for
record on the 1st day of May A.D., 1984 at 3:25 o'clock p M,
and duly recorded in Vol M84, of Deeds 84 at 3:25 on page 7270.

Fee: \$ None

EVELYN BIEHN, COUNTY CLERK
by: Don Smith, Deputy