

BEFORE THE BOARD OF COMMISSIONERS
KLAMATH COUNTY, OREGON

1	In the Matter of a Request)	
2	For a Conditional Use Permit)	
3	for Non-Farm Use for Dennis)	Conditional Use Permit 25-84
4	Mahoney)	Findings & Decision
5)	
6)	
7)	

8 This matter came on for a hearing before the Klamath County
9 Board of Commissioners on July 16, 1984 in the Klamath County
10 Commissioner's Hearing Room. The hearing was held pursuant to
11 notice given in conformity with the Land Development Code and
12 related ordinances. The applicant and Planning Department Staff
13 were present, as well as legal counsel.

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

FINDINGS OF FACT:

- 17 1. The subject property is owned by Dennis Mahoney. The
18 applicant requested a Conditional Use Permit to allow a non-farm
19 parcel and residence on 19.1 acres in the EFU-CG (Exclusive Farm
20 Use-Cropland/Grazing) zone.
- 21 2. The property is generally located approximately one-
22 third mile east of Yonna Drive and off of Goldfinch Road, being
23 in the Yonna Valley area. The legal description of the property
24 is a portion of Section 31, Township 37, Range 11, being Tax
25 Lot 2600.
- 26 3. The plan designation is Agricultural, with the zoning
27 being EFU-CG (Exclusive Farm Use-Cropland/Grazing). Adjacent
28

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1 zoning and/or surrounding zoning is a mixture of EFU-CG and R-1.
2
3 4. The property consists of 19.1 acres, rectangular in
4 shape, consisting of native grass for vegetation, with topography
5 being relatively flat.

6 5. Access to the property will be via an existing easement
7 off of Goldfinch Road, as well as Goldfinch Road itself.

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

10 7. Testimony indicated that there was an existing mobile
11 home, well, septic tank and storage building on a portion of
12 subject property.

13 8. No adverse comments by any surrounding property owners
14 have been received.

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

19 KLAMATH COUNTY DEVELOPMENT CODE CRITERIA:

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

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

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

28 C. That the location, size, design and operating
characteristics of the proposed development will be compatible

1 with, and will not adversely affect the livability or
2 also sets forth that all proposed partitionings of land for
3 appropriate development of abutting properties in the surround-
4 ing neighborhood. Consideration shall be given to the harmony

5 in scale, bulk, coverage and density; to the availability of
6 amount of agricultural land consistent with the needs of the
7 proposed use. Wherever possible, land unsuited for crops or
8 livestock shall be used.

9 traffic and the capacity of surrounding streets and to other
10 relevant impact of the development.

11 so as not to interfere with accepted farm practices on

12 surrounding land.

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

15 KLAMATH COUNTY LAND DEVELOPMENT CODE FINDINGS AND

16 CONCLUSIONS: Single family dwelling not in conjunction with farm

17 use may be established subject to a Conditional Use Permit and
18 a finding that each such dwelling:

19 i. Is compatible with farm use as defined in this
20 use policy adopted by the legislative assembly in ORS 215.243.
21 Since it does not use agriculturally productive land, it does
22 not have any effect on surrounding agricultural uses.

23 ii. Does not interfere seriously with accepted
24 farming practices on adjacent lands devoted to farm use
25 since it does not use agriculturally productive land and is to be
26 used solely for a non-farm dwelling and not for any other use

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

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

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

36 4. The proposed use is situated upon generally unsuitable
37 land for the production of farm crops and livestock, considering

38 3. Klamath County Land Development Code, Section 51.018,

1 also sets forth that all proposed partitionings of land for
2 farm use permitted by said Section meet the following criteria:

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

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

10 KLAMATH COUNTY LAND DEVELOPMENT CODE FINDINGS AND
11 CONCLUSIONS:

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

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

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

27 4. The proposed use is situated upon generally unsuitable
28 land for the production of farm crops and livestock, considering

1 the terrain, adverse soil, poor land conditions, drainage and
2 flooding, vegetation and location and size of the tract. This
3 is especially true considering the size of the parcel and the
4 prior use history of the property for agricultural purposes.

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

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

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

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

17 9. The location, design and operating characteristics of
18 the proposed use are in conformance with the Klamath County
19 Comprehensive Plan.

20 10. The location, size, design and operating characteristics
21 of the proposed development will be compatible with, and will not
22 adversely affect the livability or appropriate development of the
23 abutting properties and the surrounding neighborhood.

24 CONCLUSIONS OF LAW AND DECISION:

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

28 2. This request for a Conditional Use Permit is consistent

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1 with, and complies with, all the applicable State-wide planning
2 goals and review criteria as submitted by the Board of
3 Commissioners.

4 3. The following conditions are deemed necessary to protect
5 the health, safety and welfare of the citizens of Klamath County:
6 CONDITION:

7 a. That the applicant follow the partition map as sub-
8 mitted.

9 THEREFORE, it is hereby ordered that the request for a
10 Conditional Use Permit on the subject property herein described
11 is hereby granted, subject to the condition as set forth above.
12 DATED this 28th day of August, 1984.

13 KLAMATH COUNTY BOARD OF COMMISSIONERS

14 Roger Hamilton
15 Roger Hamilton, Chairman

16 Carroll Zon Gerbert
17 Carroll Zon Gerbert, Commissioner

18 Neil Kuonen
19 Neil Kuonen, Commissioner

20 Return: Commissioners
21 Journal

22 APPROVED AS TO FORM

23 By Boivin & Boivin
24 Boivin & Boivin

25 C.U.P. 25-84
26 -6-

27 STATE OF OREGON: COUNTY OF KLAMATH:ss
28 I hereby certify that the within instrument was received and filed for
record on the 30th day of August A.D., 1984 at 4:02 o'clock P M,
and duly recorded in Vol M84, of Deeds on page 15100.

Fee: \$ None

EVELYN BIEHN, COUNTY CLERK
by: Ann Smith, Deputy