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BEFORE THE BOARD OF COMMISSIONERS
KLAMATH COUNTY, OREGON

Vol. 1485 Page 12381

1 In the Matter of a Request for)
2 a Conditional Use Permit for)
3 Non-Farm Use for Garret Hilyard)

Conditional Use Permit 13-85
Findings & Decision

Order No. 152

4 This matter came on for a hearing before the Klamath County
5 Board of Commissioners on April 10, and April 30, 1985, in the
6 Klamath County Commissioners' Hearing Room. The hearing was held
7 pursuant to notice given in conformity with the Land Development
8 Code and related ordinances. The applicant and Planning Department
9 staff were present, as well as legal counsel.

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

13 FINDINGS OF FACT:

14 1. The applicant requested a Conditional Use Permit to
15 allow a non-farm parcel and residence on 6 acres in the EFU-C
16 (Exclusive Farm Use-Cropland) zone.

17 2. The property is generally located north of Short Road
18 and east of State Highway 39 (Klamath Falls-Malin Highway). The
19 legal description of the property is situated in Section 19 of
20 Township 39, Range 10, being a portion of Tax Lot 600.

21 3. The plan designation is Agricultural, with the zoning
22 being EFU-C (Exclusive Farm Use-Cropland). Adjacent zoning and/or
23 surrounding zoning is EFU-C.

24 4. The property consists of 6 acres, rectangular in shape,
25 consisting of pasture grass for vegetation, with topography being
26 relatively flat. There are also existing farm buildings on the
27 site.

28 5. Access to the property will be via State Highway 39.

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1 6. Sewer is provided to the property by septic tank, and
2 the property is served by Pacific Power and Light. Site has an
3 existing well for water.

4 7. No adverse comments by any surrounding property owners
5 had been received.

6 8. The 6 acre parcel is a portion of a 123 acre farm unit
7 that will be utilized for agricultural purposes. The remaining
8 117 acres will remain within the family and will be farmed.

9 CONCLUSIONS:

10 1. The proposed use is compatible with farm use as defined
11 in this Code and consistent with the agricultural land use policy
12 adopted by the legislative assembly in ORS 215.243. The proposed
13 6 acres does not have any effect on surrounding agricultural uses.

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

19 3. The proposed use does not materially alter the stability
20 of the overall land use pattern of the area, and access to the
21 property will not interrupt any overall land use pattern.

22 4. The parcel and the access to it have been designed so as
23 not to interfere with accepted farming practices on the surround-
24 ing land.

25 5. The use is conditionally permitted in the zone in which
26 it is proposed to be located.

27 6. The location, design, and operating characteristics of
28 the proposed use are in conformance with the Klamath County Compre-

1 hensive Plan.

2 7. The location, size, design, and operating characteristics
3 of the proposed development will be compatible with, and will not
4 adversely affect the livability or appropriate development of the
5 abutting properties and the surrounding neighborhood.

6 CONCLUSIONS OF LAW AND DECISION:

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

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

13 THEREFORE, IT IS HEREBY ORDERED that the request for a
14 Conditional Use Permit on the subject property herein described is
15 hereby granted.

16 Dated this 17th Day of May, 1985.

17 KLAMATH COUNTY BOARD OF COMMISSIONERS

18 Carroll Zon Gerbert
19 Carroll Zon Gerbert, Chairperson

20 Roger Hamilton
21 Roger Hamilton, Commissioner

22 Jim Rogers, Commissioner

23 APPROVED AS TO FORM:

24 Robert D. Boivin
25 Robert D. Boivin, County Legal Counsel

26 C.U.P. 13-85
27 Page 3

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of _____
of August A.D., 19 85 at 10:00 o'clock A M., and duly recorded in Vol. M85
of Deeds on Page 12381

FEE NONE

Ret: Commissioners' Journal

By Evelyn Biehn County Clerk