

## BEFORE THE BOARD OF COMMISSIONERS

55075

KLAMATH COUNTY, OREGON

Vol. 1485 Page 17906

1 In the Matter of a Request for )  
 a Conditional Use Permit for ) Conditional Use Permit 34-85  
 2 Non-Farm Use for Klamath Kennels ) Findings & Decision  
 3 ) #136

4 This matter came on for a hearing before the Klamath County  
 5 Board of Commissioners on September 11, and October 9, 1985, in  
 6 the Klamath County Commissioners' Hearing Room. The hearing was  
 7 held pursuant to notice given in conformity with the Land Develop-  
 8 ment Code and related ordinances. The applicant and Planning  
 9 Department 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 kennel on 1.79 acres in the EFU-C  
 16 (Exclusive Farm Use-Cropland) zone.

17 2. The property is generally located south of State Highway  
 18 140 and approximately one half mile west of Tingley Lane, and is  
 19 more particularly described as Tax Lot 500 located in Section 29  
 20 of Township 39, Range 9.

21 3. The plan designation is Agricultural, with the zoning  
 22 being EFU-C. Adjacent zoning and/or surrounding zoning is EFU-C.

23 4. The property consists of 1.79 acres, is rectangular in  
 24 shape, and consists of a kennel for shelter of animals.

25 5. Access to the property will be via Miler Island Road,  
 26 known as State Highway 420. This highway appears to be able to  
 27 handle the kind of traffic that will be generated at that location.

28 6. Sewer is provided to the property by septic tank, and

'85 NOV 4 AM 11 21  
 NOV 58

1 the property is served by Pacific Power and Light. Site has an  
2 existing well for water.

3 7. The 1.79 acre parcel is a portion of a 19.38 acre unit  
4 that will be utilized as it presently is.

5 CONCLUSIONS:

6 1. The proposed use is compatible with farm use as defined  
7 in this Code and consistent with the agricultural land use policy  
8 adopted by the Legislative Assembly in ORS 215.243. The proposed  
9 1.79 acre parcel does not have any effect on surrounding agricul-  
10 tural uses.

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

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

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

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

24 6. The location, design, and operating characteristics of  
25 the proposed use are in conformance with the Klamath County Compre-  
26 hensive Plan.

27 7. The location, size, design, and operating characteristics  
28 of the proposed use will be compatible with, and will not adversely

1 affect the livability or appropriate development of the abutting  
 2 properties and the surrounding neighborhood.

3 CONDITIONS:

- 4 1. Applicant will need to landscape for noise.  
 5 2. Applicant will need to submit a plan for physical control  
 6 of animals.  
 7 3. Applicant will put up sign to indicate no dumping of  
 8 animals on premises without first contacting Humane Society.  
 9 4. Applicant will consult with Building Department on noise  
 10 insulation techniques to see if building meets insulation standards.

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

14 Dated this 31<sup>st</sup> Day of October, 1985.

16 KLAMATH COUNTY BOARD OF COMMISSIONERS

17 Carroll Zon Gerbert  
 18 Carroll Zon Gerbert, Chairperson

19 Roger Hamilton  
 20 Roger Hamilton, Commissioner

21 Jim Rogers  
 22 Jim Rogers, Commissioner

23 APPROVED AS TO FORM:

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

26 C.U.P. 34-85  
 27 Page 3

28 STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of \_\_\_\_\_  
 of November A.D., 19 85 at 11:21 o'clock A M., and duly recorded in Vol. 11th day  
 of Deeds on Page 17906  
 Evelyn Biehn  
 County Clerk

FEE NONE

Ret: Commissioners' Journal