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BEFORE THE BOARD OF COMMISSIONERS
KLAMATH COUNTY, OREGON

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1 In the Matter of a Request for)
2 Conditional Use Permit 42-86 for)
3 Richard Sumner to Allow a Non-farm)
4 Dwelling in an Exclusive Farm Use)
5 Zone)
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FINDINGS OF FACT, CONCLUSIONS
OF LAW, AND DECISION

Order No. 87-144

THIS MATTER came on for a hearing before the Klamath County Board of Commissioners on November 12, 1986, at the Klamath County Commissioners' Hearing Room. The hearing was held pursuant to notice given in conformity with the Klamath County Land Development Code and related ordinances. The applicant was represented at the hearing by himself. The Planning Department was represented by Roy Huberd and Carl Shuck.

The following exhibits were marked, offered, and received into evidence and made a part of the record: Exhibits "A" through "C".

The Board of Commissioners, after reviewing the evidence presented, made the following findings of fact, conclusions of law, and decision.

FINDINGS OF FACT:

1. The subject property is owned by Richard Sumner. The intended use of the site will be for a non-farm related dwelling.
2. The subject property is generally located in the SE $\frac{1}{4}$ of Section 24, Township 39, Range 9, being a portion of Tax Lot 400, Klamath County, Oregon.
3. The property lies approximately 1 $\frac{3}{4}$ miles south of the Klamath Falls Urban Growth Boundary, south on Highway 39, and $\frac{1}{4}$ mile west immediately above and abutting the Henley Rural Service Center Boundary.
4. The parcel consists of approximately 46.65 acres.

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1 5. The plan designation of the parcel is Agricultural with
2 a zone designation of EFU-Cropland.

3 6. The adjacent zoning is EFU-Cropland in all directions
4 except Rural-1 to the south. An Airport Safety Area Overlay Zone
5 covers the property.

6 7. The topography is relatively flat with the general drain-
7 age being surface runoff to the east and north.

8 8. Access to the property is via a 60-foot easement off of
9 Henley Road.

10 9. The public facilities and services consist of the follow-
11 ing: water by individual wells; sewer by individual subsurface
12 systems; located in Klamath County Fire District No. 1; electricity
13 provided by Pacific Power and Light; and located in the Henley
14 school district.

15 10. The proposed use is conditionally permitted in the EFU-C
16 zone. Section 51.017(D) - Non-farm Dwellings requires the follow-
17 ing:

18 NON-FARM DWELLINGS: Single family dwelling not in con-
19 junction with farm use may be established subject to a
20 Conditional Use Permit and a finding that each such
dwelling:

- 21 1. is compatible with farm use as defined in this Code
22 and consistent with the agricultural land use policy
adopted by the legislative assembly in ORS 215.243,
- 23 2. does not interfere seriously with accepted farming
24 practices on adjacent lands devoted to farm use,
- 25 3. does not materially alter the stability of the
26 overall land use pattern of the area,
- 27 4. is situated upon generally unsuitable land for the
28 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

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

CONCLUSIONS OF LAW:

1. The proposed non-farm use complies with Section 51.017(D) in that:

a. It 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,

b. It does not interfere seriously with accepted farming practices on adjacent lands devoted to farm use,

c. It does not materially alter the stability of the overall land use pattern of the area, and

d. It 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.

2. There were no special conditions placed on approval of this Conditional Use Permit.

THEREFORE, it is hereby ordered that this request for a Conditional Use Permit on the subject property herein described is hereby granted.

Dated this 17th Day of December, 1986.

KLAMATH COUNTY BOARD OF COMMISSIONERS

Jim Rogers
Chairman of the Board

Roger Hamilton
Commissioner

Carroll Zon Gerbert
Commissioner

APPROVED AS TO FORM AND CONTENT:

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

C.U.P. 42-86

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STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of _____ the _____ day
of December A.D., 19 86 at 2:43 o'clock P. M., and duly recorded in Vol. MS6
of Deeds on Page 23538.

FEE None

Evelyn Biehn County Clerk

By Samuel J. Hatch

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