

1 IN THE MATTER OF REQUEST FOR)
2 CONDITIONAL USE PERMIT 6-89 FOR)
3 A KENNEL IN A FARM USE ZONE FOR)
MICHAEL HUBBARD)

ORDER

4 I. NATURE OF APPLICATION

5 A hearing on this matter was held March 28, 1989, pursuant
6 to notice given in conformity with Ordinances No. 44 and 45.
7 The hearing was held before the Klamath County Planning Commission.
8 The request for a kennel in an Exclusive Farm Use zone was con-
9 sidered pursuant to Section 51.018(C) of the Land Development Code.

10 II. NAMES OF THOSE INVOLVED

11 The applicant, Michael Hubbard, was present and offered testi-
12 mony in behalf of his application. Liston Ranch offered written
13 testimony in support of this application. The Planning Depart-
14 ment was represented by Kim Lundahl, Senior Planner. The record-
15 ing secretary was Karen Burg. County Counsel, Michael Spencer,
16 was in attendance. Members of the Planning Commission who sat
17 at this hearing were: Susan Crismon, John Monfore, Ed Livingston,
18 Don McCasland, Bob Brackett, John Kite, Doug Everett, and Hal
19 Pearce.

20 III. LEGAL DESCRIPTION

21 The property is located in Section 29, Township 38S, Range 12E;
22 Tax Acct. 3912-29-700, located generally south and west of the
23 intersection of East Langell Valley and Jones Roads, Langell Valley.

24 IV. RELEVANT FACTS

25 The property has an Agriculture plan designation with an imple-
26 menting zone of Exclusive Farm Use-Cropland/Grazing. The property
27 is 490 acres in size and is under Farm Tax Deferral. The SCS
28 classification is Class IV. The surrounding zoning is EFU-CG.

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1 The Planning Department file and contents thereof are incor-
2 porated into this Order as evidence.

3 V. RELEVANT APPROVAL CRITERIA

4 C. CONDITIONAL NON-FARM USES: The following uses are
5 further defined in Chapter 9 of this Code. Approval shall require
6 findings that the use:

7 a. Does not interfere seriously with accepted farming
8 practices on adjacent lands;

9 b. Wherever possible, use will be situated upon land gener-
ally unsuitable for farm use as defined by this Code, considering
10 parcel size, the terrain, vegetation, drainage, adverse soil con-
ditions, flooding and location;

11 c. Wherever possible, use will not be located upon soils
12 classified predominantly as I-IV;

13 d. The access shall be designed so as not to interfere with
accepted farm practices on surrounding land; and

14 3. Complies with such other conditions as the review author-
15 ity considers necessary.

16 VI. FINDINGS

17 All evidence submitted and testimony given by the Planning
18 staff and the applicant show that approval criteria both from
19 Ordinances 44 and 45, specifically Section 51.018C, has been
20 satisfied.

21 VII. CONCLUSIONS AND FINDINGS

22 The Planning Commission found the applicant has satisfied
23 the review criteria in that correct notice was given, all rele-
24 vant Comprehensive Plan Policies were complied with, and there
25 were not violations to Goal 3 - Agricultural Lands.

26 VIII. ORDER

27 Therefore, it is hereby ordered the request for Conditional

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1 Use Permit 6-89 is approved.

2 DATED this 5th Day of April, 1989.

3 Presiding Officer at the Planning Commission

4 Susan H. Crismon

5 Secretary to the Planning Commission

6 Carl Shuck

7 Approved as to Form and Content:

8 Michael Spencer
9 County Legal Counsel

10 STATE OF OREGON,
11 County of Klamath ss.

12 Filed for record at request of:

13 Klamath County
14 on this 6th day of April A.D. 19 89
15 at 4:07 o'clock P.M. and duly recorded
16 in Vol. M89 of Deeds Page 5850
17 Evelyn Biehn
18 County Clerk

19 By Dorinda Mullins

20 Fee, none

21 Deputy.