

BEFORE THE HEARINGS OFFICER OF KLAMATH COUNTY, OREGON

In the matter of the request for a)	
LAND PARTITION AND CONDITIONAL USE)	CONDITIONAL USE PERMIT
PERMIT for)	NO. 50-94
)
LELAND WOODS)	LAND PARTITION
	NO. 33-94

This matter came before Michael L. Brant, Hearings Officer for Klamath County, Oregon on May 27, 1994, in the Klamath County Museum Meeting Room in Klamath Falls, Oregon. The hearing was held pursuant to notice given in conformity with the Klamath County Land Development Code and related statutes and ordinances. The Klamath County Planning Department was represented by Mr. Kim Lundahl and the recording secretary was Ms. Karen Burg. The Klamath County Planning Department file and all the exhibits and other contents therein is incorporated by this reference into this matter. The applicant was present. The applicant presented testimony. Testimony in opposition to the application was received from property owners and from a former owner of the subject property.

FINDINGS OF FACT

1. The applicant is requesting a non-farm Land Partition and a non-farm Conditional Use Permit to divide 117.42 acres into parcels of 10 acres and 107.42 acres and establish the existing residence as a non-farm use. The property is zoned EFU-C/ Agriculture.

2. The property is located North of Cross Road, 3/4 miles west of Spring Lake Road and described as a portion of the SW 1/4 S 3, T 40 S, R 9 EWM; TA 4009-3-1100. The subject property is

accessed from Cross Road.

4. The subject property does not meet the criteria required by the Klamath County Land Development Code to allow the non-farm uses requested.

A. Article 54, Section 54.060(B)(3) provides that the non-farm use may be approved if the land is comprised of predominately SCS class IV-VIII soils. The subject land consists of SCS class III soils.

B. Article 54, Section 54.060(B)(5) provides that the non-farm use may be approved if the land is generally unsuitable for the production of farm crops and livestock, considering the terrain, adverse soil or land conditions, drainage and flooding, location and size of the tract. The opposition testimony that a very successful truck garden has been grown on the 10 acre parcel in most recent years, which is the land applicant proposes to remove from farm use, is most convincing.

CONCLUSION

The property does not meet the criteria required for approval of non-farm use.

ORDER

Based upon the findings and conclusions herein the applications for non-farm Land Partion and non-farm Conditional Use Permit are denied.

DATED THIS 3rd day of June, 1994.

Michael L. Brant
Michael L. Brant
Hearings Officer

KLAMATH COUNTY LAND DEVELOPMENT CODE SECTION 24.060 PROVIDES:

"An Order of the Hearings Officer may be appealed to the Board of County Commissioners within seven (7) days of its mailing as set forth in Article 33."

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County the 7th day
of June A.D. 19 94 at 3:44 o'clock P M., and duly recorded in Vol. M94,
of Deeds on Page 17850.

Evelyn Biehn County Clerk

By Orville M. Melendore

FEE none

Return: Commissioners Journal