

96 JAN -5 P3:38

**BEFORE THE HEARINGS OFFICER
KLAMATH COUNTY, OREGON**Vol M96 Page 494
RECEIVED
JAN 5 1996
COUNTY CLERK**IN THE MATTER OF CUP 94-95 FOR RAMBO-GARRETT/GARRETT
TO ESTABLISH A HOME NOT IN CONJUNCTION WITH FARM USE****1. NATURE OF THE REQUEST:**

The applicant wishes to establish a home as a use not in conjunction with farm use on property generally located one mile east of the Harpold Rd., at Bedfield Cemetery Rd., Poe Valley. This request was heard by the Hearings Officer JANUARY 5, 1996 pursuant to Ordinances 44 and 45. The request was reviewed for conformity with Land Development Code Article 54 and with O.R.S. 215.243.

2. NAMES OF THOSE WHO PARTICIPATED:

The Hearings Officer in review of this application was Michael L. Brant. The applicants appeared and offered testimony in support of the application. The Planning Department was represented by Kim Lundahl and HSH Karen Burg.

3. LOCATION:

The property under consideration is generally located in the N 1/2 NW 1/4 Sec. 8, T 40S R12E. T.A. 4012-000-2000.

4. RELEVANT FACTS:

The property is within the Agriculture plan designation and has an implementing zone of EFU-CG. The parcel is 80 acres in size and IS NOT under farm tax deferral. Land use and lot sizes in the area are similar to that proposed by this application. Residential land use and similar lot sizes are also found within one mile of this project. Fire protection is available from BONANZA RFD with a station four miles to the north.

5. FINDINGS:

All evidence submitted as the staff report, exhibits b-c, and offered testimony show that the approval criteria as set out in Code Article 54 have been satisfied.

The Hearings Officer finds this application;

1. Is compatible with farm use because:

The analysis of surrounding properties and their use indicates the size of the proposed parcels and the proposed use as large lot rural-residential is compatible with the predominant adjacent land uses as the existing residential density of the area will not be markedly increased.

2. Does not interfere seriously with accepted farming practices on adjacent lands devoted to farm use because:

The surrounding parcels are found to be developed to rural residential and commercial farm use. The proposed non-farm residence will not interfere with the on-going use as sufficient lot area and geographic boundaries provide a buffer/setback from agricultural management practices and the owners intent to requalify the parcel via agricultural activity should further mitigate impact. The permit holder has proposed as a condition of this approval to file a restrictive covenant which will prohibit the permit holder and successors in interest from filing complaint concerning valid farming practices on nearby lands. The Hearings Officer finds this will mitigate impact to farm operations.

3. Does not alter the stability of the overall land use pattern of the area because:

The overall land use of part of this area is found to be large lot rural residential and commercial farming. The land use pattern of the area will not be modified as the residential intensity will be marginally increased.

4. Access to the parcel is from county maintained paved roads. Use of the road will not interfere with farm practices.

6. ORDER:

Therefore, it is ordered the request of RAMBO-GARRETT/GARRETT for CUP 94-95 is approved subject to the following conditions:

1. The applicant shall file a restrictive covenant with the County Clerk prohibiting the permit holder and their successors in interest from filing complaint concerning accepted resource management practices that may occur on nearby lands.

2. This CUP will expire two years from the date below unless utilized or an extension is approved by the Planning Director.

3. Prior to the issuance of a development permit for the allowed residence, the applicant shall submit verification from the County Assessor any and all penalties for withdrawing the entire property from farm deferral have been satisfied.

DATED this 5th day of JANUARY, 1996

Michael L. Brant

Michael L. Brant, Hearings Officer

NOTICE OF APPEAL RIGHTS

You are hereby notified this application may be appealed to the Klamath County Board of Commissioners by filing with the Klamath County Planning Department a Notice of Appeal as set out in Section 33.004 of the Klamath County Land Development Code, together with the fee required within SEVEN DAYS following the mailing date of this order.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of _____ the 5th day
of Jan A.D., 19 96 at 3:38 o'clock P M., and duly recorded in Vol. M96
of Deeds on Page 494

FEE none RETURN: Commissioners Journal

By *Bernetha G. Letsch* Bernetha G. Letsch, County Clerk