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BEFORE THE HEARINGS OFFICER FOR KLAMATH COUNTY

In the matter of the request
for a Conditional Use Permit
and Land Partition

Conditional Use Permit
Case No. CUP 1-97
Land Partition
Case No. 77-96

Jim and Joanne Scott

Applicants

This matter came before Michael L. Brant, Hearings Officer for Klamath County, Oregon, on February 7, 1997, 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 Assistant Planner 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 Klamath County Planning Department staff report was received. The Applicant appeared. Based upon the evaluation of the Staff Report and consideration of the other evidence received, the Hearings Officer makes the following findings of fact and conclusions and makes the following decision.

FINDINGS OF FACT

The Applicants request a Non-farm partition to divide 14.62 acres into parcels of 6.62, 4.0 and 4.0 acres and a Non-farm CUP to establish three residences as non farm uses. The property is

located east of the North Malin Road, 800 feet south of the Malin Loop Road, Malin, is described as a portion of the SW 1/4 NE 1/4 Sec. 10, T 41S, R 12E and T.A. 4112-10-800. The property is accessed from Malin Loop Road.

Applicant Jim Scott appeared and testified. Neighbors testified in opposition. The subject property is generally rectangular in shape with an irrigation canal/ditch running diagonally across a portion. The location of the canal\ditch is less than ideal from the standpoint of irrigating that portion. A Lessee raised potatoes on the property last year and the land had been left fallow for approximately two prior years. The Applicant has tried to sell or lease the property in the past. Neighbors who farm adjoining land testified that the subject property is good farm ground which they would farm if it fit into their operation but would have to reduce their operations elsewhere before taking or other land. Another neighbor who raises cattle across the road from the subject property expressed interest in the subject property and stated that he would have purchased the property for pasture or to grow alfalfa hay if he had known the land was for sale. All adjacent land is farmable and being farmed either by the owners or lessees.

CONCLUSION

There is no legal basis upon which to approve the requested permit. To allow the requests would be contrary to the policies of the State of Oregon and Klamath County which are

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designed to protect and preserve agricultural land. The applicants' proposals do not meet the criteria of the Code. Articles 50 and 44.

ORDER

The requested Land Partition 77=96 and Conditional Use Permit No. 1=97 are denied.

Dated this 8th day of February, 1997

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 10th day
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FEE

No Fee

Return: Commissioners Journal

by Bernetha G. Letsch, County Clerk
Bernetha G. Letsch