

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
KLAMATH COUNTY**

IN THE MATTER OF CUP 34-97/LP 30-97, JR ENTERPRISES

1. NATURE OF THE CASES:

The referenced cases, an application to establish three non-farm homes and a land partition proposing the three parcel division of the 4.7 acre property was to be heard by the Deputy Hearings Officer JUNE 20, 1997. The HO declared a conflict of interest and referred the applications to the BOCC for consideration. A hearing on these cases was conducted by the Board of County Commissioners JULY 22, 1997 and continued to JULY 30 for decision only.

2. THOSE WHO PARTICIPATED:

A notarized listing of those who participated at this Hearing is on file with the Planning Department. The Planning Department was represented by Kim Lundahl, Senior Planner. Erik Nobel, Associate Planner, was the recording secretary. Members of the Board who heard the appeal were: Al Switzer, William R. Garrard, and M. Steven West.

3. CASE DESCRIPTION:

The Applicant requested approval of a Non-Farm CUP allowing three homes, not in conjunction with farm use and a Non-Farm LP proposing the division of 4.7 acres into three 1.55 acre properties. The property is located east of Hwy 39, 1 1/4 miles south of the Merrill-lakeview Junction. It is described as portions LP 10-96.

4. FINDINGS:

The Board finds after consideration of the record and testimony entered:

As to the Land Partition - The project site is within three miles of the Klamath Falls UGB and therefore an "Exceptions Statement" is required per OAR 660-33-130 (3). The exhibits submitted by JR Enterprises do not meet criteria for these documents as set out in OAR 660-04-020.

As to the Conditional Use Permit - The project requires an "Exceptions Statement" per OAR which is not of record. And the re-partitioning of a parcel created since January 1, 1993 via prior Non-Farm partitioning is disallowed per ORS 215.284 (2).

5. ORDER:

The Board of Commissioners, upon consideration of the Findings, **DENIES** the requests of JR Enterprises.

DATED this 14th day of August, 1997


Al Switzer, Chair


William R. Garrard, Commissioner


M. Steven West, Commissioner

APPROVED AS TO FORM:


Reginald R. Davis, County Counsel

APPEAL RIGHTS

This decision may be appealed to the Land Use Board of Appeals within 21 days of the date of execution. Please contact the Planning Department for information as to this procedure. Failure to file an appeal within the allowed timeframe may affect your right to appeal this decision.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County the 18th day
of August A.D. 19 97 at 3:18 o'clock P M., and duly recorded in Vol. M97
of Deeds on Page 27125.

FEE \$none

By Bernetha G. Lettish, County Clerk
