

## BEFORE THE HEARINGS OFFICER OF KLAMATH COUNTY, OREGON

In the Matter of the Request for a Conditional Use Permit by )  
 )  
 ) CUP 76-97  
 )  
 JOSPEH E. BENSON and ERIN P. BENSON, )  
 ) ORDER  
 )  
 Applicants. )  
 \_\_\_\_\_ )

97 SEP 16 A9:29

## 1. NATURE OF THE REQUEST:

The applicant wishes to establish a home as a use not in conjunction with farm use on 70 acres zoned FR. This request was heard by the Hearings Officer on September 5, 1997, pursuant to ordinances 44 and 45. The request was reviewed for conformity with Land Development Code Articles 54 and 55.2.

## 2. NAMES OF THOSE WHO PARTICIPATED:

The Hearings Officer in review of this application was Neal G. Buchanan. The applicant appeared and offered testimony in support of the application. The Planning Department was represented by Carl Shuck, and the recording secretary was Karen Burg.

## 3. LOCATION:

The property under consideration is generally located north of Hill Road at the Burlington Northern railroad. It is also legally described as Parcel 2 of Land Partition 18-92.

## 4. RELEVANT FACTS:

The applicant wishes to establish a residence as a home not in conjunction with farm use on a 70 acre parcel zoned FR. This application is processed in accordance with non-farm criteria. As it is less than the 80 acre minimum required by the Code, it is not within a Goal 5 overlay, and it has soil or topographic constraints prohibiting its inclusion within an area of commercial agriculture. The property is not under farm use deferral.

## 5. FINDINGS:

All evidence submitted as the Staff Report, Exhibits A - D and offered testimony show that the approval criteria as set out in Code Article 54 have been satisfied.


## 6. ORDER:

Therefore, it is ordered that the request of Joe and Erin Benson for CUP 76-97 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 farm and forest operations consistent with accepted farm practices and the Oregon Forest Practices Act 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.

Dated this 15 day of September, 1997.

  
NEAL G. BUCHANAN  
Hearings Officer

## NOTICE OF APPEAL RIGHTS

You are hereby notified that this Order 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 33.040 of the Klamath County Land Development Code, together with the fee required within seven (7) days of the mailing date of this Order. Failure to file a notice of appeal within the time provided will result in the loss of your right to appeal this decision.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County Hearings Officer the 16th day  
of Sept. A.D., 1997 at 9:29 o'clock A. M., and duly recorded in Vol. M97  
of Deeds on Page 30296.  
Return: Commissioners Journal By Bernetha G. Letsch, County Clerk  
FEE No Fee. Kathleen Ross