

98 MAY 15 P3:32

## BEFORE THE HEARINGS OFFICER OF KLAMATH COUNTY, OREGON

In the Matter of the Request to Establish an )

Agricultural Service by: )

VanMeter and Despain Well Drilling. )

) ORDER C.W.P. 28-98

## 1. NATURE OF THE REQUEST

The applicant, Van Meter and Despain Well Drilling has applied for a permit to establish a well drilling yard an doffice on 3 acres Zoned EFU-C. This request was heard by the hearings officer May 1, 1998. The request was reviewed for conformance with Klamath County Land Development Code Article 54.

## 2. NAMES OF PARTICIPANTS

The hearings officer reviewing this application is Joan-Marie Michelsen. The applicant appeared and offered testimony. The planning department was represented by Kim Lundahl. The recording secretary Karen Burg.

## 3. LOCATION OF PROPERTY

The property in question is north of Stateline Road, ¾ miles east of Merrill Pit Rd. and is more particularly described as:

Portions of NW ¼ Sec. 19, T 41S R13E T.A. 4113-000-4700

## 4. MATERIALS CONSIDERED

All evidence submitted by the applicant and located in the Staff Report was considered as was the oral testimony given May 1, 1998.

## 5. FINDINGS

The Hearings officer FINDS AS FOLLOWS:

- a. The development of this type of industry is not included in the permitted uses for this zoning, however the LDC permits agricultural services subject to certain findings.
- b. The parcel in question was legally created.
- c. Approval of the requested structure will create conditions or circumstances that are contrary to the purposes or intent of county planning laws.
- d. Active resource use has not occurred on the subject property. However, is has occurred on adjacent properties. The property is not large enough for legitimate forestry use, but may be viable for agriculture. The applicant acknowledged that the property may be appropriate for grazing.
- e. The use of the land in the adjacent land is both rural residential and commercial crop land.
- f. The location of a business and office on the parcel will destabilize the existing land use pattern of the area.
- g. There is no dwelling presently sited on this parcel
- h. The proposed use will create conditions that are contrary to the purpose of the County's Comprehensive Plan and Land Use regulations.
- i. The proposed use would be out of character for the area


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- j. The proposed use is industrial or commercial in nature and is not appropriate for this zone or location. It does not constitute an "agricultural service" as contemplated by the Land Use Plan.

6. ORDER

- a. Therefore, it is hereby ordered that the applicants request to develop an Agricultural Service is Denied.  
b.

Dated this 15th day of May, 1998

  
Joan-Marie Michelsen  
Hearings Officer

STATE OF OREGON: COUNTY OF KLAMATH: ss.

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