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## BEFORE THE PLANNING DIRECTOR KLAMATH COUNTY, OREGON

IN THE MATTER OF CUP 8-10 FOR )  
LLOYD AND GLORIA PARKER TO )  
ESTABLISH A PRIVATE )  
CAMPGROUND WITH A PERSONAL )  
USE AIRSTRIP ON PROPERTY )  
TOTALING APPROXIMATELY 30 )  
ACRES IN AN EXCLUSIVE FARM USE )  
- CROPS/GRAZING (EFU-CG) ZONE. )

TYPE II CUP  
ADMINISTRATIVE  
FINAL ORDER

### 1. NATURE OF THE REQUEST:

The applicant proposes to establish a private campground with a personal use airstrip on approximately 30 acres as a conditional use within the Exclusive Farm Use – Crops/Grazing (EFU-CG) zone. The Planning Director reviewed the request for conformance with relevant parts of the Klamath County Land Development Code (KCLDC) as described below in the Findings.

### 2. NAMES OF THOSE WHO PARTICIPATED:

The Planning Director in review of this application was Bill Adams, AICP. Mark Gallagher, Planner III, prepared the Final Order.

### 3. LEGAL DESCRIPTION:

The subject property is located approximately 6 miles northeast of Beatty with Assessor's map numbers R-3513-01900-00600 & 700 (See Exhibit 2).

### 4. RELEVANT FACTS:

Private Parks, Hunting and Fishing Preserves and Campgrounds are listed as a conditional use in the EFU zone in Article 54.030. The special conditional use criteria in Article 54.040 (A-F) apply in lieu of the standard CUP criteria in Article 44.

The applicant has stated that the campground would be primarily used by extended family members and friends. There is an existing 10'x20' Tuff shed on the property as well as a graded personal airstrip for landing a small airplane. The strip is 20' wide by 1200' long.

The site is within the Low/Medium Deer Winter Range and has a Wildfire Hazard Rating of High. The wetland inventory map indicates a possible wetland crossing the property, however, the applicant had Rabe Consulting inspect the site and their report concludes that no actual wetlands exist on the property.

Klamath Co. Planning Dept.  
Review Center

## **5. FINDINGS:**

All evidence submitted by the applicant shows that the relevant approval criteria as set out in the Klamath County Land Development Code (KCLDC) have been satisfied. The Planning Director finds this application conforms (either outright or with conditions of approval) to the criteria as follows:

### **KCLDC Article 54.040(A-F)**

- A. The proposed use will not create conditions or circumstances that the County determines would be contrary to the purposes or intent of its acknowledged comprehensive plan, its policies or land use regulations.*

#### **Applicant's Response**

The applicant stated that the application is consistent with Goal 1 – Citizen Involvement because adjoining property owners have been notified and give an opportunity to respond. The project is consistent with Goal 2 – Land Use Planning because the Administrative Process for review is being utilized. The project is consistent with Goal 3 – Agriculture because it's listed as a conditional use and meets the criteria. The project is consistent with Goal 8 – Recreation because the policies support recreation activities in the County. There are no existing active agricultural activities on adjacent parcels, so it is not anticipated that the proposed use will be contrary to agricultural activities.

#### **Staff Finding**

Staff concurs that the proposed private campground is not contrary to the purpose or intent of the comprehensive plan, its policies or land use regulations as stated by the applicant given the lack of agricultural activities in the area.

- B. The use is in conformance with all standards and criteria of this Code, notably Article 57.*

#### **Applicant's Response**

The applicant states that the proposed use is in compliance with the code standards and criteria as demonstrated in the application materials. The site is within the Low-Med. Deer Winter Range and since they are not fencing any areas, minimal impact is anticipated for the deer. The Oregon Department of Fish and Wildlife verbally responded (telephone call from John Muir 4-23-10) that they have no particular concern with the project.

#### **Staff Finding**

With the conditions of approval, the private campground will meet the standards and criteria of the KC Land Development Code. Article 57, which addresses big game winter range requirements is more specifically addressed in the following section of this report. Article 69, which addresses the wildfire hazard aspects, will have to be met for fire safety reason and a condition to do so has been included.

- C. The location, size, design, and operating characteristics of the proposed use will not force a significant change in, or significantly increase the cost of, accepted farm or forestry practices on nearby agricultural or forest lands.*

Applicant's Response

The applicant reports that the nearest neighbor is over a quarter mile away and there are no active agricultural activities nearby. He also states that there will not be any flights over adjoining residences and that the total number of flights is anticipated to be less than 10 per year.

Staff Finding

Given the distance to other development and the low number of anticipated flights from the personal use airstrip, it is found that the proposed campground and airstrip will not force a significant change in, or increase the cost of, accepted farm or forestry practices on nearby agricultural lands.

- D. A written statement will be recorded with the deed which recognizes the rights of adjacent and nearby land owners to conduct farm or forest operations consistent with accepted farming practices and the Forest Practices Act, ORS 30.090 and Rules for uses authorized by this Code.*

Applicant's Response

The applicant concurs with this requirement.

Staff Finding

This requirement has been made a condition of the approval.

- E. The proposed use will not significantly increase the fire hazards or significantly increase the fire suppression costs or significantly increase risks to fire suppression personnel.*

Applicant's Response

The proposed project does not contain any open burn fire pits and is not anticipated to significantly increase the risk of fire since all cooking will be done on contained cooking devices.

Staff Finding

Staff does not anticipate a significant increase in fire risk from the proposed development.

- F. The use complies with other conditions as the review authority considers necessary.*

Applicant's Response

The applicant intends to comply with all conditions of approval.

Staff Finding

The applicant will be required to comply with all conditions of approval considered necessary

### **KCLDC Article 57.030 - Significant Resource Overlay**

Article 57 lists parks and campgrounds as a type "3-C" conflicting use and states that *"Resources so designated...are considered to be significant, and conflicting uses to the resource shall be limited in order to protect the resource from irreparable harm."* Article 57.050(C) requires that a complete application include a detailed description of the development proposal and be referred to agencies for comment. The proposal was sent to the Oregon Department of Fish and Wildlife for comment. The Oregon Department of Fish and Wildlife verbally responded (telephone call from John Muir 4-23-10) that they have no particular concern with the project.

#### **Staff Finding**

The application meets this requirement since only minor "development" is anticipated which includes only a small storage shed and no fencing.

### **KCLDC Article 69 Rural/Wildland Fire Safety Standards**

A condition to comply with Article 69 provisions has been included.

#### **Staff Finding**

With the proposed condition of approval to meet Article 69 requirements, the application is found to meet this requirement.

### **Personal Use Airstrip**

An Agency Comment notice was sent to the State Aeronautics Division in Salem regarding the proposed personal use runway, but no comment was received.

#### **Staff Finding**

Personal use airports for airplanes are a conditional use in the EFU zone and the proposed minimal runway is not anticipated to cause any significant adverse impacts because of the proposed minimal use and the distance to nearby neighbors.

### **Lawful Creation**

The subject property has been determined to be lawfully created consistent with the applicable KC Land Development Code Articles 45 – Partition, Article 46 – Land Division, and ORS 92 – Tentative and Final Approval of Plan; Plats. The following deeds, representing the subject property, were used in this determination:

#### **Tax Lot 600**

Vol. 358 Pg. 561 Warranty Deed recorded January 13, 1965.

Vol. 2007 Pg. 3508 Warranty Deed recorded February 23, 2007.

#### **Tax Lot 700**

Vol. 354 Pg. 82 Warranty Deed recorded June 23, 1964

Vol. 2007 Pg. 518 Warranty Deed recorded January 5, 2007.

Conclusion:

The subject parcels were created prior to April 23, 1979 when the County enacted its land division ordinance and they have not been changed since, therefore, the parcels have been determined to be lawful units of land.

**6. CONCLUSIONS:**

Based on the above relevant facts and findings, as well as the information in the file, CUP 8-10 meets, or can meet with conditions of approval, all applicable criteria of the KCLDC.

**7. ORDER:**

Therefore, upon review of the information and exhibits listed, it is ordered the request of Lloyd and Gloria Parker for approval of CUP 8-10 is **APPROVED** subject to all Federal and State law, rules, or policy; Klamath County Land Development Code and County Ordinances; Oregon Fire Codes and Appendices; Oregon Building Codes and Appendices; Klamath County Public Works Standards, Policies, and Procedures; and, subject to the following Conditions of Approval:

**Condition # 1**

***Prior to commencement of any construction, and per KCLDC Article 54.040 (D), the owner shall record a restrictive covenant with the deed recognizing the rights of adjacent and nearby land owners to conduct farm and forest operations consistent with accepted farm practices and the Oregon Forest Practices Act. Evidence of recordation of said covenant shall be submitted to the Planning department prior to authorization of development by the Planning Department.***

**Condition #2**

***The private campground shall be developed pursuant to the siting and development standards of KC Land Development Code Article 69, Rural/Wildland Fire Safety Standards. Prior to application for site development permits, applicant shall record a restrictive covenant signifying compliance with Article 69 of the Klamath County Land Development code and provide evidence to the Planning Department of such action.***

**Condition #3**

***The private campground is approved for the uses and location of the campground as shown on the site plan (Exhibit 3). The airstrip/runway shall be no greater than 20'x1200' without further approval.***

**Condition #4**

***The private campground is for temporary use only and shall not be continually occupied by any individual or group for more than any consecutive 90 day period.***

**Condition #5**

***Prior to application for any site development permits, this final order must be recorded to the subject property. The applicant will supply the Planning Department with the applicable County Clerk recording fees and the Planning Department will record the final order on behalf of the applicant.***

The Conditional Use Permit shall be void after 2 years if development has not been initiated through a building or on-site septic installation permit issued in reliance on this approval. If the building or sanitation permit expires prior to actual site development, this CUP may also be declared void.

DATED this 29<sup>th</sup> day of April, 2010.

Bill Adams  
Bill Adams, AICP, Planning Director

Signed & Acknowledged before me this 29 day of April, 2010.

Elizabeth Nan Patterson

NOTARY PUBLIC FOR OREGON

My Commission Expires:



August 19, 2013

**Exhibits:**

CUP Application  
Zoning/Parcel Map  
Site Plan  
Agency Notice  
Property Owner Notice

Exhibit 1  
Exhibit 2  
Exhibit 3  
Exhibit 4  
Exhibit 5

