

BEFORE THE KLAMATH COUNTY PLANNING COMMISSION

KLAMATH COUNTY, OREGON

77523

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1 IN THE MATTER OF REQUEST FOR)
2 CONDITIONAL USE PERMIT 30-87)
3 FOR A NON-FARM DWELLING IN A)
4 FARM USE ZONE FOR ROD AND KAREN)
5 HARPER)

O R D E R

6 I. NATURE OF APPLICATION

7 A hearing was held on this matter on July 28, 1987,
8 pursuant to notice given in conformity with Ordinances No. 44
9 and No. 45. This hearing was held before the Klamath County
10 Planning Commission.

11 The request for a non-farm dwelling in an Exclusive Farm
12 use zone was considered pursuant to Section 51.017(D)(1-5) of
13 the Land Development Code.

14 II. NAMES OF THOSE INVOLVED

15 The applicants, Rod and Karen Harper, were present at the
16 hearing and testified. The Planning Department staff was
17 present, represented by Roy R. Huberd. The Klamath County
18 Counsel, Mike Spencer, was present. There was no oral or
19 written opposition presented at the hearing.

20 III. LEGAL DESCRIPTION

21 The property is generally located west and to the end of
22 Round Lake Road. The legal description is the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of
23 Section 6, Township 39S, Range 8EWM, Tax Lot 400.

24 IV. RELEVANT FACTS

25 The property has an agriculture Plan designation with the
26 zone being Exclusive Farm Use-Cropland (EFU-C). The property
27 is 9.62 acres in size and is rectangular in shape. The
28 topography is generally flat with drainage to the west. The
western most portion is pasture, and the eastern most portion

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1 has standing timber. The parcel has access off of Round Lake
 2 Road. The soils, as classified by the Soil Conservation
 3 Service, are as follows: Class IV 460B with a minority of Class
 4 II. There is a timber site productivity rating of V on the east
 5 portion of the property. Agricultural practices are
 6 characteristic of the surrounding lands, with forest lands to
 7 the east. The subject property is served by individual well.
 8 The property is outside of any sewer district and can only be
 9 served by an individual subsurface system. The property is
 10 within the Keno Rural Fire Protection District. The property is
 11 within the service district of Pacific Power and Light and the
 12 Henley School District.

13 The following Exhibits were offered, received, and made a
 14 part of the record:

- 15 Klamath County Exhibit A, Staff Report
- 16 Klamath County Exhibit B, Plot Plan
- 17 Klamath County Exhibit C, Assessor's Map
- 18 Klamath County Exhibit D, Photos
- 19 Klamath County Exhibit E, Environmental Health Dept.
- 20 Comments

21 The property is presently not receiving farm tax deferral.
 22 The applicants testified to the fact that they were requesting
 23 this non-farm dwelling for themselves.

24 V. RELEVANT APPROVAL CRITERIA

25 Refer to Pages 4 and 4a of the Staff Report attached hereto
 26 for conformance with relevant Klamath County Policies. Section
 27 51.017(D)(1-5) of the Land Development Code states:
 28 ///

1 D. NON-FARM DWELLINGS: Single family dwelling not in
 2 conjunction with farm use may be established subject to a
 3 Conditional Use Permit and a finding that each such dwelling:

- 4 1. is compatible with farm use as defined in this Code and
- 5 consistent with the agricultural land use policy adopted by the
- 6 legislative assembly in ORS 215.243,
- 7 2. does not interfere seriously with accepted farming
- 8 practices on adjacent lands devoted to farm use,
- 9 3. does not materially alter the stability of the overall
- 10 land use pattern of the area,
- 11 4. is situated upon generally unsuitable land for the
- 12 production of farm crops and livestock, considering the terrain,
- 13 adverse soil or land conditions, drainage and flooding,
- 14 vegetation, location and size of the tract, and
- 15 5. complies with such other conditions as the Board of
- 16 County Commissioners or its designate considers necessary.

17 VI. FINDINGS

18 All evidence submitted and testimony given by the Planning
 19 staff and the applicant show that approval criteria both from
 20 Ordinance 44 and Ordinance 45, specifically Section

21 51.017(D)(105) has been satisfied.

22 VII. CONCLUSIONS

23 The applicant has satisfied the review criteria in that
 24 correct notice was given to the satisfaction of the Planning
 25 Commission, all relevant Comprehensive Plan Policies were
 26 complied with, and there were not violations to the Goal 3
 27 agricultural policies. The applicant stated this new residence
 28 was needed for a non-farm dwelling and the Land Development Code

1 Section 51.017(D)(1-5) were not violated for the following
2 reasons:

3 D.1. That the proposed dwelling is compatible with farm
4 use as defined and ORS 215.243 is not being violated in that the
5 larger block of agricultural land will remain in farm use.

6 D.2. The proposed dwelling will not interfere seriously
7 with accepted farming practices on adjacent lands devoted to
8 farm use because the new dwelling will be located on a very
9 small parcel east of the farm lands.

10 D.3. The proposed dwelling will not materially alter the
11 stability of the overall land use pattern of the area, mainly
12 because of its small size and location in comparison to the
13 agricultural lands.

14 D.4. The proposed dwelling is situated upon generally
15 unsuitable land for farm use being in the middle of the timbered
16 area.

17 VIII. ORDER

18 Therefore, it is hereby ordered that the request for a
19 Conditional Use Permit for a non-farm dwelling be approved
20 subject to the following conditions regarding on-site sewage
21 disposal:

22 1. A Site Evaluation and a Permit will be issued prior to
23 installation of a new system; and

24 2. An Authorization Notice will be approved prior to
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1 connecting to, or changing the use of, an existing structure.
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3 Dated this 28th Day of July, 1987.
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6 PRESIDING OFFICER AT THE PLANNING COMMISSION
7

8 Lawrence H. Crismon
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10 SECRETARY TO THE PLANNING COMMISSION
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12 Ray R. Del
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19 APPROVED AS TO FORM AND CONTENT:
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21 Michael Spencer
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24 Michael Spencer, County Legal Counsel
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C.U.P. 30-87
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STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County Planning Dept. the 29th day
of July A.D. 19 87 at 4:29 o'clock P.M., and duly recorded in Vol. M87
of Deeds on Page 13601.

FEE NONE

Return: Commissioners' Journal

Evelyn Biehn, County Clerk
By Ray R. Del