

BEFORE THE KLAMATH COUNTY PLANNING COMMISSION  
KLAMATH COUNTY, OREGON

75072

Vol. 1187 Page 14526

ORDER

1 IN THE MATTER OF REQUEST FOR )  
2 CONDITIONAL USE PERMIT 27-87 )  
3 FOR A NON-FARM DWELLING IN A )  
4 FARM USE ZONE FOR ROY AND )  
5 GLORIA TROWBRIDGE )

5 I. NATURE OF APPLICATION

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

9 The request for a non-farm dwelling in an Exclusive Farm Use  
10 zone was considered pursuant to Section 51.018(D)(1-5) of the  
11 Land Development Code.

12 II. NAMES OF THOSE INVOLVED

13 The applicants, Roy and Gloria Trowbridge, were present at  
14 the hearing and testified. The Planning Department staff was  
15 present, represented by Roy R. Huberd. The Klamath County Counsel,  
16 Mike Spencer, was present. There were written comments presented  
17 at the hearing by Roy Huberd from Peter R. Caine, President of  
18 Round Lake Utilities, Inc.

19 III. LEGAL DESCRIPTION

20 The property is located west of Round Lake Road, specifically  
21 Section 7, Township 39S, Range 8EWM, Tax Lot 200.

22 IV. RELEVANT FACTS

23 The property has an agriculture Plan designation with the  
24 zone being Exclusive Farm Use-Cropland/Grazing (EFU-CG). The  
25 property is 9.62 acres in size and is rectangular in shape. The  
26 topography is generally flat with drainage to the west. The  
27 eastern most portion is timbered with pasture to the west. The  
28 parcel has access off of Round Lake County Road. The soils as

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1 classified by the Soil Conservation are Soil Class IV with a  
2 minority of Class II. There is a Timber Site Productivity Rating  
3 of V. Agricultural practices are characteristic of the surround-  
4 ing lands to the west. The subject property is served by individ-  
5 ual well, and the property is outside of any sewer district and  
6 cann only be served by an individual subsurface system. The prop-  
7 erty is served by the Keno Rural Fire Protection District and  
8 Pacific Power and Light.

9 The following exhibits were offered, received, and made a  
10 part of the record:

11 Klamath County Exhibit A, Staff Report  
12 Klamath County Exhibit B, Plot Plan  
13 Klamath County Exhibit C, Assessor's Map  
14 Klamath County Exhibit D, Photos  
15 Klamath County Exhibit E, Letter from Peter Caine, President  
16 of Round Lake Utilities, Inc.

17 The property is presently receiving farm tax deferral. The  
18 applicants testified to the fact that they were requesting this  
19 non-farm dwelling for themselves.

20 V. RELEVANT APPROVAL CRITERIA

21 Refer to Pages 4 and 4a of the Staff Report attached hereto  
22 for conformance with relevant Klamath County Policies. Section  
23 51.018(D)(1-5) of the Land Development Code states:

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

27 1. is compatible with farm use as defined in this Code and  
28 consistent with the agricultural land use policy adopted by the  
C.U.P. 27-87  
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1 legislative assembly in ORS 215.243,

2 2. does not interfere seriously with accepted farming  
3 practices on adjacent lands devoted to farm use,

4 3. does not materially alter the stability of the overall  
5 land use pattern of the area,

6 4. is situated upon generally unsuitable land for the  
7 production of farm crops and livestock, considering the terrain,  
8 adverse soil or land conditions, drainage and flooding,  
9 vegetation, location and size of the tract, and

10 5. complies with such other conditions as the Board of  
11 County Commissioners or its designate considers necessary.

12 VI. FINDINGS

13 All evidence submitted and testimony given by the Planning  
14 staff and the applicant show that approval criteria both from  
15 Ordinance 44 and Ordinance 45, specifically Section  
16 51.018(D)(1-5) has been satisfied.

17 VII. CONCLUSIONS

18 The applicant has satisfied the review criteria in that  
19 correct notice was given to the satisfaction of the Planning  
20 Commission, all relevant Comprehensive Plan Policies were  
21 complied with, and there were not violations to the Goal 3  
22 agricultural policies. The applicant stated this new residence  
23 was needed for a non-farm dwelling and the Land Development Code  
24 Section 51.018(D)(1-5) were not violated for the following reasons:

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

28 D.2. The proposed dwelling will not interfere seriously

1 with accepted farming practices on adjacent lands devoted to farm  
2 use because the new dwelling will be located on a very small area  
3 surrounded by timber.

4 D. 3. The proposed dwelling will not materially alter the  
5 stability of the overall land use pattern of the area, mainly  
6 because of the location of the new dwelling.

7 D. 4. Is situated upon generally unsuitable land for the  
8 production of farm crops and livestock, considering the terrain,  
9 adverse soil or land conditions, drainage and flooding, vegetation,  
10 location and size of the tract.

11 D. 5. Two conditions will be imposed - see below.  
12 VIII. ORDER

13 Therefore, it is hereby ordered that the request for a  
14 Conditional Use Permit for a non-farm dwelling be approved  
15 subject to the following conditions regarding on-site sewage  
16 disposal:

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

19 2. An Authorization Notice will be approved prior to  
20 connecting to, or changing the use of, an existing structure.

21 3. The applicant is aware of the close proximity of this  
22 property to the Round Lake sewage treatment plant.

23 Dated this 11<sup>th</sup> Day of August, 1987.

24  
25 PRESIDING OFFICER AT THE PLANNING COMMISSION

26 Susan N. Wismon  
27 SECRETARY TO THE PLANNING COMMISSION

28 Ray R. Shuler  
APPROVED AS TO FORM AND CONTENT:

Michael Spencer  
County Legal Counsel



## Conformance with Relevant Klamath County Policies:

### Goal 1 - Citizen Involvement

The County shall provide for continued citizen involvement opportunities.

State Goal Issues: Notice has been sent to property owners within 250 feet of the proposed partition, to appropriate agencies, and posted and published in the Herald and News, as required by law.

### Goal 3 - Agricultural Lands

#### Objectives

Economically stabilize the agricultural community in Klamath County.

#### Definitions:

- o Agricultural land in eastern Oregon is land of predominantly Class I, II, III, IV, V, and VI soils as identified in the soil capability classification system of the SCS and other lands suitable for farm use, taking into consideration soil fertility, suitability for grazing, climatic conditions, existing and future availability of water for farm irrigation, existing land use patterns, technological and energy inputs required, accepted farming practices. Lands in other classes necessary to permit farm practices to be undertaken on adjacent or nearby lands, shall be included as agricultural land in any event.

- o Farm Use is set forth in ORS 215.203 and includes nonfarm uses authorized by ORS 215.213.

1. **POLICY:** The following land shall be designated Agricultural and subject to the regulations of the EFU zones contained in the Land Development Code taking into consideration all of the following factors:

(1) Land comprised of SCS Class I-VI soils;

(2) Land presently irrigated or potentially irrigable in order to become economically productive;

(3) Land with improved pasture as identified in the 1978 land use survey and 1982 infra-red air photos as updated and supplied by the U. S. Forest Service;

(4) Lands located in an area where the predominant surrounding land use is agriculture; and

(5) Other lands which because of size or situation are well suited for the accepted farm practice of the area or necessary to permit farm practices to be undertaken on adjacent or nearby land.

2. **POLICY:** Agricultural lands shall be designated Exclusive Farm Use-Grazing, Exclusive Farm Use-Grazing/Crop, and Exclusive Farm Use-Crop, and shall be subject to the regulations of these zones.

A. - Exclusive Farm Use-Grazing

The purpose of this zone is to recognize and appropriately plan those areas engaged primarily in grazing and ranching operations.

B. - Exclusive Farm Use-Grazing/Crop

80 M.  
The purpose of this zone is to recognize and appropriately plan those areas which exhibit a mixture of grazing, crop and grass land operations.

C. - Exclusive Farm Use-Crop

The purpose of this zone is to recognize and appropriately plan those areas engaged primarily in crop and grass land production.

Rationale:

- o To recognize the needs and requirements of various agricultural areas and operations in Klamath County.
- o To preserve and maintain agricultural lands.
- o To minimize potential land use conflicts.
- o To maintain and promote the quantity and quality of the County's agricultural resources.

Implementation:

Agricultural lands in Klamath County shall be identified and zoned consistent with the methods and findings contained in the County's "Planning Process for Designating Resource Lands."

Goal 5 - Open Space, Scenic and Historic Areas and Natural Resources.

There are no inventoried open spaces, scenic and historic areas in the vicinity of the proposed Conditional Use Permit.

Goal 6 - Air, Water and Land Resource Quality

No negative impacts on air, water or land resource quality are anticipated as a result of the Conditional Use Permit. Water and sanitary facilities would be provided by individual wells and septic systems. The site also has existing wells for private use and irrigation use.

STATE OF OREGON: COUNTY OF KLAMATH: SS.

Filed for record at request of Klamath County Planning Dept. the 13th day of August A.D. 19 87 at 9:16 o'clock A M., and duly recorded in Vol. M87 of Deeds on Page 14526.

FEE NONE  
Return: Commissioners' Journal By Evelyn Biehn, County Clerk [Signature]