

BEFORE THE KLAMATH COUNTY PLANNING COMMISSION

78073

KLAMATH COUNTY, OREGON

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1 IN THE MATTER OF REQUEST FOR)
2 CONDITIONAL USE PERMIT 29-87)
3 FOR A NON-FARM DWELLING IN A)
4 FARM USE ZONE FOR HENRY EDWARDS)

O R D E R

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 Land
11 Development Code.

12 II. NAMES OF THOSE INVOLVED

13 The applicant's representative, James Matteson, was present
14 at 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 was no oral or written opposition
17 presented at the hearing.

18 III. LEGAL DESCRIPTION

19 The property is located approximately 4+ miles east of the
20 Williamson River Highway and Sprague River Road Junction, and
21 approximately 7½ miles east of the City of Chiloquin; specifically,
22 the E½ of the SE¼ of Section 23, Township 34S, Range 8EWM, Tax Lot
23 1800.

24 IV. RELEVANT FACTS

25 The property has an agriculture Plan designation with the
26 zone being Exclusive Farm Use-Cropland/Grazing (EFU-CG). The
27 property is 70.80 acres in size and is irregular in shape. The
28 topography is generally flat with drainage to the north. The
area is being used as grazing land with native grasses. The par-

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cel has access off of Sprague River Highway. The soils as classified by the Soil Conservation Service are Soil Class IV and VI. The Timber Site Productivity Rating is Class IV. Agricultural practices are characteristic of the lands north across the Sprague River. There exists some standing timber on the south portion of the property. The property is outside of any fire district. The property is within the Pacific Power and Light service boundary.

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

Klamath County Exhibit A, Staff Report

Klamath County Exhibit B, Plot Plan

Klamath County Exhibit C, Assessor's Map

Klamath County Exhibit D, Photos

Klamath County Exhibit E, Environmental Health Dept. Comments

The property is presently receiving farm tax deferral. The applicant's representative testified to the fact that he was requesting this non-farm dwelling for Mr. Edwards, and that he would live in the new structure only on occasion. The structure would also be used as a barn.

V. RELEVANT APPROVAL CRITERIA

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

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

1. is compatible with farm use as defined in this Code and

1 consistent with the agricultural land use policy adopted by the
2 legislative assembly in ORS 215.243,

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

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

7 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,
10 vegetation, location and size of the tract, and

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

13 VI. FINDINGS

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

18 VII. CONCLUSIONS

19 The applicant has satisfied the review criteria in that
20 correct notice was given to the satisfaction of the Planning
21 Commission, all relevant Comprehensive Plan Policies were
22 complied with, and there were not violations to the Goal 3
23 agricultural policies. The applicant stated this new residence
24 was needed for a non-farm dwelling and the Land Development Code
25 Section 51.017(D)(1-5) were not violated for the following
26 reasons:

27 D.1. That the proposed dwelling is compatible with farm
28 use as defined and ORS 215.243 is not being violated in that the
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1 larger block of agricultural land will remain in farm use.
2 D.2. The proposed dwelling will not interfere seriously
3 with accepted farming practices on adjacent lands devoted to
4 farm use because the new dwelling will be located on a very
5 small parcel.

6 D.3. The proposed dwelling will not materially alter the
7 stability of the overall land use pattern of the area, mainly
8 because of its small.

9 D.4. No finding.

10 D.5. One condition will be imposed - see below.

11 VIII. ORDER

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

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

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

20 Dated this 11th day of August, 1987.

21
22 PRESIDING OFFICER AT THE PLANNING COMMISSION

23 Susan H. Crummon
24 SECRETARY TO THE PLANNING COMMISSION

25
26 APPROVED AS TO FORM AND CONTENT:
27 Michael Spencer

28 Michael Spencer, County Legal Counsel
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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

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.

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.

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 14532

FEE

NONE

Evelyn Biehn, County Clerk

Return: Commissioners' Journal

By Am Smith