

BEFORE THE KLAMATH COUNTY PLANNING COMMISSION  
KLAMATH COUNTY, OREGON

79824

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O R D E R

1 IN THE MATTER OF REQUEST FOR )  
2 CONDITIONAL USE PERMIT 36-87 )  
3 FOR A NON-FARM DWELLING IN A )  
FARM USE ZONE FOR CHARLES DABILL)

4 I. NATURE OF APPLICATION

5 A hearing was held on this matter on August 25, 1987,  
6 pursuant to notice given in conformity with Ordinances No. 44  
7 and No. 45. This hearing was held before the Klamath County  
8 Planning Commission.

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

12 II. NAMES OF THOSE INVOLVED

13 The applicant, Charles Dabill, was not present at the hear-  
14 ing. The Planning Department staff was present, represented by  
15 Roy R. Huberd. The Klamath County Counsel, Michael Spencer, was  
16 present. There was no oral or written opposition presented at  
17 the hearing.

18 III. LEGAL DESCRIPTION

19 The property is located between State Highway 427 and the  
20 Crater Lake Highway in Township 34S, Range 7E, Section 31, Tax  
21 Lot 400.

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 3.30 acres in size and is rectangular in shape. The  
26 topography is generally flat with drainage to the west. The par-  
27 cel is not being used for agricultural purposes. The parcel has  
28 access off of State Highway 427. The soils as classified by the

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1 Soil Conservation Service are Class IV. The Timber Site Produc-  
2 tivity Rating is V. The subject property is served by individual  
3 well. The property is outside of any sewer district and can only  
4 be served by an individual subsurface system. The property is  
5 served by the Chiloquin/Agency Lake Fire District, Pacific Power  
6 and Light, CP National Gas, and the Chiloquin School District.  
7 The following exhibits were offered, received, and made a  
8 part of the record:

- 9 Klamath County Exhibit A, Staff Report  
10 Klamath County Exhibit B, Plot Plan  
11 Klamath County Exhibit C, Assessor's Map  
12 Klamath County Exhibit D, Photos  
13 Klamath County Exhibit E, Environmental Health Comments  
14 The property is presently not receiving farm tax deferral.

15 V. RELEVANT APPROVAL CRITERIA

16 Refer to Pages 4 and 4a of the Staff Report attached hereto  
17 for conformance with relevant Klamath County Policies. Section  
18 51.018(D)(1-5) of the Land Development Code states:

19 D. NON-FARM DWELLINGS:

- 20 conjunction with farm use may be established subject to a  
21 Conditional Use Permit and a finding that each such dwelling:  
22 1. is compatible with farm use as defined in this Code and  
23 consistent with the agricultural land use policy adopted by the  
24 legislative assembly in ORS 215.243,  
25 2. does not interfere seriously with accepted farming  
26 practices on adjacent lands devoted to farm use,  
27 3. does not materially alter the stability of the overall  
28 land use pattern of the area,

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1 4. is situated upon generally unsuitable land for the  
2 production of farm crops and livestock, considering the terrain,  
3 adverse soil or land conditions, drainage and flooding,  
4 vegetation, location and size of the tract, and  
5 5. complies with such other conditions as the Board of  
6 County Commissioners or its designate considers necessary.

7 VI. FINDINGS

8 All evidence submitted and testimony given by the Planning  
9 staff and the applicant show that approval criteria both from  
10 Ordinance 44 and Ordinance 45, specifically Section  
11 51.017(D)(105) has been satisfied.

12 VII. CONCLUSIONS

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

21 D.1. That the proposed dwelling is compatible with farm  
22 use as defined and ORS 215.243 is not being violated.

23 D.2. The proposed dwelling will not interfere seriously  
24 with accepted farming practices on adjacent lands devoted to farm  
25 use because the adjacent parcels are used for rural residential uses  
26 and are not being uses for agricultural purposes, with the excep-  
27 tion of lands to the west.

28 D.3. The proposed dwelling will not materially alter the  
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1 stability of the overall land use pattern of the area, mainly  
2 because of its small size.  
3 D.4. No finding - no comment.  
4 D.5. One condition will be imposed - see below.

5 VIII. ORDER

6 Therefore, it is hereby ordered that the request for a  
7 Conditional Use Permit for a non-farm dwelling be approved  
8 subject to the following conditions regarding on-site sewage  
9 disposal:

- 10 1. A Site Evaluation and a Permit will be issued prior to  
11 installation of a new system; and
- 12 2. An Authorization Notice will be approved prior to  
13 connecting to, or changing the use of, an existing structure.

14 Dated this 1st Day of September, 1987.

15 PRESIDING OFFICER AT THE PLANNING COMMISSION

16 Susan H. Crismon  
17 SECRETARY TO THE PLANNING COMMISSION

18 Ray R. Hull

19 APPROVED AS TO FORM AND CONTENT:

20 Michael Spencer  
21 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. 15896

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.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County Planning Department  
of September A.D., 19 87 at 9:11 o'clock A M., and duly recorded in Vol. M87 day  
of Deeds on Page 15891

FEE NONE

Return: Commissioners' Journal

Evelyn Biehn,

By Pat Smith

County Clerk