

BEFORE THE KLAMATH COUNTY PLANNING COMMISSION
KLAMATH COUNTY, OREGON

Vol. 1281 Page 15897

78825

1 IN THE MATTER OF REQUEST FOR)
2 CONDITIONAL USE PERMIT 35-37)
3 FOR A NON-FARM DWELLING IN A)
4 FARM USE ZONE FOR ROBERT FERGUSON)

O R D E R

5 I. NATURE OF APPLICATION

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

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

13 II. NAMES OF THOSE INVOLVED

14 The applicant, Robert Ferguson, was present at the hearing
15 and testified. The Planning Department staff was present, rep-
16 resented by Roy R. Huberd. The Klamath County Counsel, Michael
17 Spencer, was present. There was no oral or written opposition
18 presented at the hearing.

19 III. LEGAL DESCRIPTION

20 The property is located south of State Highway 422 at
21 milepost 1, northeast of State Highway 62 in Township 24S,
22 Range 7E, Section 20, Tax Lot 600.

23 IV. RELEVANT FACTS

24 The property has an agriculture Plan designation with the
25 zone being Exclusive Farm Use-Cropland/Grazing. The property
26 is 9.20 acres in size and is rectangular in shape. The topo-
27 graphy is generally flat with drainage to the west. The area
28 is not being used as grazing land at this time. The parcel has
access off of the Chiloquin/Agency Lake State Highway 422. The

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1 soil as classified by the Soil Conservation Service is Class VI.
2 The Timber Site Productivity Rating is V. The adjacent and sur-
3 rounding zoning is Forestry on the east and south, and EFU on
4 the west and north. The subject property is served by indi-
5 vidual well. The property is outside of any sewer district and
6 can only be served by an individual subsurface system. The
7 property is served by the Chiloquin/Agency Lake Fire District,
8 Pacific Power and Light, CP National Gas, and the Chiloquin
9 School District.

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

12 Klamath County Exhibit A, Staff Report

13 Klamath County Exhibit B, Plot Plan

14 Klamath County Exhibit C, Assessor's Map

15 Klamath County Exhibit D, Photos

16 The property is not presently receiving farm tax deferral.
17 The applicant testified to the fact that they were requesting
18 this non-farm dwelling for himself.

19 V. RELEVANT APPROVAL CRITERIA

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

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

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

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1 2. does not interfere seriously with accepted farming
2 practices on adjacent lands devoted to farm use,
3 3. does not materially alter the stability of the overall
4 land use pattern of the area,

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

11 VI. FINDINGS

12 All evidence submitted and testimony given by the Planning
13 staff and the applicant show that approval criteria both from
14 Ordinance 44 and Ordinance 45, specifically Section
15 51.018(D)(105) has been satisfied.

16 VII. CONCLUSIONS

17 The applicant has satisfied the review criteria in that
18 correct notice was given to the satisfaction of the Planning
19 Commission, all relevant Comprehensive Plan Policies were
20 complied with, and there were not violations to the Goal 3
21 agricultural policies. The applicant stated this new residence
22 was needed for a non-farm dwelling and the Land Development Code
23 Section 51.017(D)(1-5) were not violated for the following
24 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 be used for farm use at
28 a more intensive level than it is presently being used.

1 D.2. The proposed dwelling will not interfere seriously
 2 with accepted farming practices on adjacent lands devoted to
 3 farm use because the new dwelling will be located on a very
 4 small portion of the property, and there is no farm use at present
 5 on adjacent lands.

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 size.

9 D.4. No finding - no comment.

10 D.5. No finding - no comment.

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 Dated this 18th Day of September, 1987.

15 PRESIDING OFFICER AT THE PLANNING COMMISSION

16
 17 *Lillian H. Crismon*

18 SECRETARY TO THE PLANNING COMMISSION

19
 20 *Ray R. Shull*

21
 22 APPROVED AS TO FORM AND CONTENT:

23 *Michael Spencer*
 24 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

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 the 2nd day of September A.D. 19 87 at 9:11 o'clock A M., and duly recorded in Vol. M87 of Deeds on Page 15897.

FEE NONE
Return: Commissioners' Journal

Evelyn Biehn, County Clerk
By [Signature]