

80205

BEFORE THE KLAMATH COUNTY PLANNING COMMISSION
KLAMATH COUNTY, OREGON

Vol. 1881 Page 18213
ORDER

1 IN THE MATTER OF REQUEST FOR)
2 CONDITIONAL USE PERMIT 38-87)
3 FOR A NON-FARM DWELLING FOR)
ALEXANDER WILLIAMS)

4 I. NATURE OF APPLICATION

5 A hearing was held on this matter on September 22, 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 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 applicant's representative, Mary Cheyne, was present at
14 the hearing and testified. The Planning Department staff was
15 present, represented by David Perry. The Klamath County Counsel,
16 Michael Spencer, was present. There was no oral or written opposi-
17 tion presented at the hearing.

18 III. LEGAL DESCRIPTION

19 The property is located in Section 26 of Township 35S, Range
20 12EWM, being Tax Lot 100, approximately five miles north of Beatty
21 off of Godowa Springs Road.

22 IV. RELEVANT FACTS

23 The property has an agriculture Plan designation with the
24 zone being Exclusive Farm Use-Cropland/Grazing. The property is
25 98.5 acres in size and is "L" shaped. The topography has a gentle
26 slope to the south with drainage running in the same direction.
27 The 98.5 acres is not being used as grazing land and is not under
28 Farm Tax Deferral. The parcel has access via existing roadway

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1 easements extending from Godowa Springs Road. The soil as classi-
2 fied by the Soil Conservation Service is Class VI. The Timber
3 Site Productivity Rating is V. The adjacent and surrounding zon-
4 ing is Forestry Range to the east, north, and south, and EFU-CG
5 to the southwest. The property is outside of any sewer district
6 and can only be served by an individual subsurface system. The
7 property is served by the Beatty Rural Fire Protection District,
8 Pacific Power and Light, and the Bonanza School District.

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, Assessor's Map
- 13 Klamath County Exhibit C, Photos
- 14 Klamath County Exhibit D, Goal 5 Map
- 15 Klamath County Exhibit E, Plot Plan
- 16 Klamath County Exhibit F, Letter from Oregon Department of
17 Fish and Wildlife

18 V. RELEVANT APPROVAL CRITERIA

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

- 22 D. NON-FARM DWELLINGS: Single family dwelling not in
23 conjunction with farm use may be established subject to a
24 Conditional Use Permit and a finding that each such dwelling:
25 1. is compatible with farm use as defined in this Code and
26 consistent with the agricultural land use policy adopted by the
27 legislative assembly in ORS 215.243,
28 2. does not interfere seriously with accepted farming

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

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

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

10 VI. FINDINGS

11 All evidence submitted and testimony given by the Planning
12 staff and the applicant shows that the criteria from Ordinance
13 45, specifically Section 51.018(D)(1-5) has not been satisfied.

14 VII. CONCLUSIONS

15 The applicant has not satisfied the above review criteria of
16 Section 51.018(D)(105) in that the proposed residence for a
17 non-farm dwelling is:

18 1. not compatible with farm use as defined in ORS 215.243
19 and is being violated in that the larger block of agricultural
20 land will not be used for farm use at a more intensive level than
21 it is presently being used;

22 2. the proposed dwelling will interfere seriously with
23 accepted farming practices on adjacent lands devoted to farm use
24 because the new building will not be used in conjunction with the
25 EFU-CG zone; and

26 3. the proposed dwelling will materially alter the stability
27 of the overall land use pattern of the area, mainly because of its
28 small size, that being a proposed 18.6 acre parcel.

1 VIII. ORDER

2 Therefore, it is hereby ordered that the request for a
3 Conditional Use Permit for a non-farm dwelling be denied.

4 Dated this 5th Day of October, 1987.

5
6 PRESIDING OFFICER AT THE PLANNING COMMISSION

7 Susan H. Cusmon
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10 SECRETARY TO THE PLANNING COMMISSION

11 Carl Shuck
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13
14 APPROVED AS TO FORM AND CONTENT:

15 Michael Spencer
16 Michael Spencer, County Legal Counsel

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23 STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County Planning Department the 6th day
of October A.D., 19 87 at 4:29 o'clock P M., and duly recorded in Vol. M87
25 of Deeds on Page 18213

FEE

NONE

Return: Commissioners' Journal

Evelyn Biehn,

County Clerk

By Tom Smith