

BEFORE THE KLAMATH COUNTY PLANNING COMMISSION
KLAMATH COUNTY, OREGON

84187

Vol. 1488 Page 1810
O R D E R

1 IN THE MATTER OF REQUEST FOR)
2 CONDITIONAL USE PERMIT 53-87 FOR)
3 A NON-FARM DWELLING IN A FARM USE)
ZONE FOR CHARLES AND WANDA SHIPMAN)

4 I. NATURE OF APPLICATION

5 A hearing was held on this matter on February 2, 1988, pur-
6 suant to notice given in conformity with Ordinances No. 44 and
7 No. 45. This hearing was held before the Klamath County Planning
8 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, Bill Kalita from Winema Real
14 Estate, was present at the hearing and testified. The Planning
15 Department staff was present, represented by Kim Lundahl. The
16 recording secretary was Karen Burg. Deputy County Counsel,
17 Dave Mannix, was present. There was no oral or written opposition
18 presented at the hearing.

19 III. LEGAL DESCRIPTION

20 The property is located in Section 21 of Township 34S, Range
21 8EWM, six miles west of Chiloquin.

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 10 acres in size and is rectangular. The property is sloped
26 10-15 percent downward to the east. The property is not being
27 used for agricultural purposes and is not under Farm Tax Deferral.
28 The parcel has access via an existing easement from Sprague River

08 FEB 8 PM 4 30

1 Highway. The SCS Soil Capability Classification is Class VI. The
2 Timber Site Productivity Rating is V. The surrounding zoning is
3 EFU-CG.

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

- 6 Exhibit A, Staff Report
- 7 Exhibit B, Plot Plan
- 8 Exhibit C, Assessor's Map
- 9 Exhibit D, Kittredge Letter

10 V. RELEVANT APPROVAL CRITERIA

11 Applications for non-farm dwellings are considered pursuant
12 to Section 51.018(D)(1-5).

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

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

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

21 3. does not materially alter the stability of the overall
22 land use pattern of the area,

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

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

1 VI. FINDINGS

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

6 VII. CONCLUSIONS

7 The applicant has satisfied the review criteria in that
8 correct notice was given to the satisfaction of the Planning
9 Commission, all relevant Comprehensive Plan Policies were
10 complied with, and there were not violations to the Goal 3
11 agricultural policies. The applicant stated this residence is
12 to be used for a non-farm dwelling and the Land Development Code
13 Section 51.018(D)(1-5) were not violated for the following
14 reasons:

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

17 D.2. The dwelling does not interfere with farming practices
18 on adjacent land.

19 D.3. The dwelling does not alter the stability of the overall
20 land use pattern of the area.

21 D.4. The dwelling is situated upon generally unsuitable land
22 for the production of farm crops and livestock.

23 D.5. No finding.

24 VIII. ORDER

25 Therefore, it is hereby ordered that the request for a
26 Conditional Use Permit for a non-farm dwelling be approved for

27 ///

28 ///

1 Charles and Wanda Shipman.

2 Dated this 8th Day of February, 1988.

1813

3
4
5 PRESIDING OFFICER AT THE PLANNING COMMISSION

6 Susan H. Ciesmon

7 SECRETARY TO THE PLANNING COMMISSION

8 Cal Shuck

9
10
11 APPROVED AS TO FORM AND CONTENT:

12 Dave Mannix
13 Dave Mannix, Deputy County Counsel

14
15
16
17
18
19
20
21
STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County Planning Department the 8th day
of February A.D., 19 88 at 4:30 o'clock P M., and duly recorded in Vol. M88,
of Deeds on Page 1810.

FEE NONE

Evelyn Biehn, County Clerk

By Dam Smith

Ret: Commissioners' Journal.

27
28 C.U.P. 53-87/Shipman
Page 4