

1 IN THE MATTER OF REQUEST FOR )  
2 CONDITIONAL USE PERMIT 5-88 FOR )  
3 THREE NON-FARM DWELLINGS IN A FARM )  
USE ZONE FOR WINEMA PENINSULA, INC. )

ORDER

4 1. NATURE OF APPLICATION

5 A hearing on this matter was held March 22, 1988, pursuant  
6 to notice given in conformity with Ordinances No. 44 and No. 45.  
7 The hearing was held before the Klamath County Planning Commis-  
8 sion.

9 The request for a non-farm dwelling in an Exclusive Farm  
10 Use zone was considered pursuant to Section 51.018(D)(1-4) of  
11 the Land Development Code.

12 II. NAMES OF THOSE INVOLVED

13 The applicant was represented by Al Gastaldi. The Planning  
14 Department was represented by Kim Lundahl, Senior Planner. The  
15 recording secretary was Karen Burg. County Counsel, Mike  
16 Spencer was in attendance. There was no oral or written  
17 opposition presented at the hearing. Erwin Ritter appeared and  
18 spoke in favor of the application.

19 III. LEGAL DESCRIPTION

20 The property is located in Section 31, Township 34S, Range  
21 7EWM, Tax Account 3407-31-1000, west of Highway 422, south of  
22 Petric Park.

23 IV. RELEVANT FACTS

24 The property has an agriculture Plan designation with the  
25 zone being Exclusive Farm Use-Cropland/Grazing. The property is  
26 fourteen acres in size. The property is idle and not  
27 under Farm Tax Deferral. The parcel will have access via High-  
28 way 422, Modoc Point Highway.

1 The SCS soil capability classification is Class IV. The  
2 surrounding zoning is EFU-CG.

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

5 Exhibit A, Staff Report

6 Exhibit B, Assessor's Map

7 V. RELEVANT APPROVAL CRITERIA

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

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

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

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

18 3. does not materially alter the stability of the  
19 overall land use pattern of the area,

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

24 VI. FINDINGS

25 All evidence submitted and testimony given by the Planning  
26 staff and the applicant show that approval criteria both from  
27 Ordinance 44 and Ordinance 45, specifically Section  
28 51.018(D)(1-5) has been satisfied.



1 VII. CONCLUSIONS

2 The applicant has satisfied the review criteria in that  
3 correct notice was given to the satisfaction of the Planning  
4 Commission, all relevant Comprehensive Plan Policies were complied  
5 with, and there were not violations to the Goal 3 agricultural  
6 policies. The applicant stated these residences are to be used  
7 for non-farm dwellings and the Land Development Code Section  
8 51.018(D)(1-5) was not violated for the following reasons:

9 D.1. That the proposed dwellings are compatible with farm use  
10 as defined and ORS 215.243 is not being violated.

11 D.2. The dwellings do not interfere with farming practices on  
12 adjacent land.

13 D.3. The dwellings do not alter the stability of the overall  
14 land use pattern of the area.

15 D.4. The dwellings are situated upon generally unsuitable  
16 land for the production of farm crops and livestock.

17 D.5. No finding.

18 VIII. ORDER

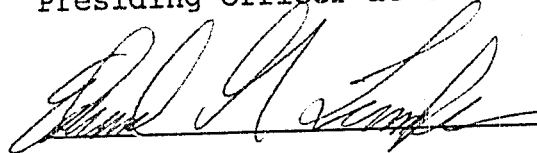
19 Therefore, it is hereby ordered that the request for a Condi-  
20 tional Use Permit for three non-farm dwellings be approved for  
21 Winema Peninsula, Inc.

22 The Conditional use Permit shall not be final nor shall a  
23 building permit for a non-farm dwelling be issued under this  
24 section until the applicant provides the Planning Deptment with  
25 evidence that the lot or parcel upon which the dwelling is pro-  
26 posed to be located as been disqualified for valuation at true  
27 cash value for farm use and that any additional tax or penalty  
28 ///

1 imposed by the County Assessor has been paid.  
2 Dated this 18<sup>TH</sup> Day of APRIL, 1988.

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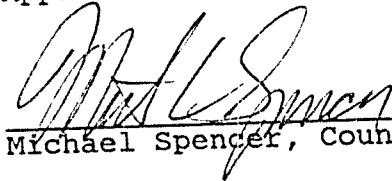
3 Presiding Officer at the Planning Commission

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6 Secretary to the Planning Commission

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9  
10 Approved as to Form and Content:

11   
12

13 Michael Spencer, County Legal Counsel  
14

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County the 18th day  
of April A.D., 19 88 at 4:10 o'clock P M., and duly recorded in Vol. M88,  
of Deeds on Page 6081

FEE None

Evelyn Biehn County Clerk  
By Bernetha S. Letoch

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21 commissioners Journal  
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