

BEFORE THE PLANNING COMMISSION  
KLAMATH COUNTY, OREGON

1 IN THE MATTER OF REQUEST FOR )  
2 CONDITIONAL USE PERMIT 20-88 FOR )  
3 THREE NON-FARM DWELLINGS IN A FARM )  
4 USE ZONE FOR LLOYD DUNLAP )

ORDER

5 I. NATURE OF APPLICATION

6 A hearing on this matter was held July 25, 1988, pursuant to  
7 notice given in conformity with Ordinances No. 44 and 45. The  
8 hearing was held before the Klamath County Planning Commission.  
9 The request for three non-farm dwellings in an Exclusive Farm Use  
10 zone was considered pursuant to Section 51.018(D)(1-5) of the Land  
11 Development Code.

12 II. NAMES OF THOSE INVOLVED

13 The applicant, Lloyd Dunlap, was present and offered testi-  
14 mony in behalf of his application. Erwin Ritter appeared and  
15 spoke in favor of this application. G.R. Sprick offered written  
16 testimony in opposition to this application. The Planning  
17 Department was represented by Kim Lundahl, Senior Planner. The  
18 recording secretary was Karen Burg. Deputy County Counsel, David  
19 Mannix, was in attendance. Members of the Planning Commission who  
20 sat at this hearing were John Monfore, Ned Livingston, John Kite,  
21 Bob Brackett, and Doug Everett.

22 III. LEGAL DESCRIPTION

23 The property is located in Government Lot 5, Section 18,  
24 Township 35S, Range 7E, Tax Account 3507-18-201, located east of  
25 Modoc Point Highway, north of Lake Forest Drive, Oregon Shores,  
26 Agency Lake.

27 IV. RELEVANT FACTS

28 The property has an agriculture plan designation with an  
implementing zone of Exclusive Farm Use-Cropland/Grazing. The

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1 property is 5.9 acres in size. The property is idle and not under  
2 farm tax deferral. The parcels will have access via Highway 422,  
3 Modoc Point Highway.

4 The SCS classification is Class IV. The surrounding zoning  
5 is EFU-CG and R-1.

6 The Planning Department file and contents thereof are incor-  
7 porated into this order as evidence.

8 V. RELEVANT APPROVAL CRITERIA

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

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

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

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

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

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

25 VI. FINDINGS

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

1 has been satisfied.

2 VII. CONCLUSIONS AND FINDINGS

3 The Planning Commission found, by unanimous vote, the appli-  
4 cant has satisfied the review criteria in that correct notice  
5 was given, all relevant Comprehensive Plan Policies were complied  
6 with, and there were not violations to Goal 3 - Agricultural Lands.

7 VIII. ORDER

8 Therefore, it is hereby ordered the request for Conditional  
9 Use Permit 20-88 is approved subject to the following:

10 1. This permit shall not be final until Minor Partition  
11 17-88 is filed at the office of the County Clerk.

12 2. This permit shall not be final nor shall a building  
13 permit for a non-farm dwelling be issued under this section  
14 until the applicant provides the Planning Department with evidence  
15 that the lot or parcel upon which the dwelling is proposed to be  
16 located has been disqualified for valuation at true cash value for  
17 farm use and that any additional tax or penalty imposed by the  
18 County Assessor has been paid.

19 Dated this 4th Day of August, 1988.

20 Presiding Officer at the Planning Commission

21  
22 John Mannix  
23 Secretary to the Planning Commission

24  
25 Carl Shuck 8/4/88

26  
27 Approved as to Form and Content:

28 David Mannix  
David Mannix, Deputy County Counsel

CUP 20-88/Dunlap  
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STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County the 5th day  
of Aug. A.D., 1988 at 10:21 o'clock A.M. and duly recorded in Vol. M88  
of Deeds on Page 12676.

Evelyn Biehn County Clerk  
By Frederick M. Mendenhall

FEE \$none

Return: Commissioners Journal