

1 IN THE MATTER OF REQUEST FOR)
2 CONDITIONAL USE PERMIT 31-88 FOR)
3 A NON-FARM DWELLING IN A FARM)
4 USE ZONE FOR JOSEPH AND REBECCA)
5 QUINOWSKI)

ORDER

6 I. NATURE OF APPLICATION

7 A hearing on this matter was held September 27, 1988, pur-
8 suant to notice given in conformity with Ordinances 44 and 45.
9 The hearing was held before the Klamath County Planning Commission.
10 The request for a non-farm dwelling in an Exclusive Farm Use
11 zone was considered pursuant to Section 51.017D of the Land
12 Development Code.

13 II. NAMES OF THOSE INVOLVED

14 The applicant, Joseph Quinowski, was present and offered
15 testimony in behalf of this application. Margaret Cheyne appeared
16 in support of this application. Alvin Cheyne appeared in opposi-
17 tion. Bryant Williams and Helen Helfrich, representing the
18 Klamath County Historical Society, also testified. The Planning
19 Department was represented by Kim Lundahl, senior Planner. The
20 recording secretary was Karen Burg. Deputy County Counsel,
21 David Mannix, was in attendnace. Members of the Planning Commis-
22 sion who sat at this hearing were: Susan Crismon, Ed Livingston,
23 John Kite, Doug Everett, and Paul Zech.

24 III. LEGAL DESCRIPTION

25 The property is located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 10, Town-
26 ship 40S, Range 9E; Tax Acct. 4009-1000-100, located at the
27 southwest corner of Spring Lake Road and Cross Road.

28 IV. RELEVANT FACTS

The property has an agriculture Plan designation with an
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1 implementing zone of Exclusive Farm Use-Cropland. The property
2 is 1.6 acres in size. The property is the Spring Lake School
3 site and contains the school building, erected in 1914 and
4 abandoned in 1940+/- . The property is not under Farm Tax
5 Deferral.

6 The SCS classification is Class III. The surrounding zoning
7 is EFU-C.

8 The Planning Department file and contents thereof are
9 incorporated into this order as evidence.

10 V. RELEVANT APPROVAL CRITERIA

11 Applications for non-farm dwellings are considered pursuant
12 to Section 51.017(D).

13 D. NON-FARM DWELLINGS: Single family dwelling not in con-
14 junction 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
17 and consistent with the agricultural land use policy adopted by
18 the 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
22 overall 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.

27 VI. FINDINGS

28 Evidence and testimony given concerning the Spring Lake

1 School structure show it may be a significant historical resource
2 The applicant has agreed to donate this structure to the Histori-
3 cal Society. The Society, in turn, has agreed to relocate the
4 structure to a location suitable for its restoration and preser-
5 vation.

6 Other evidence and testimony received show that approval
7 criteria both from Ordinance 44 and 45, specifically Section
8 51.017(D) has been satisfied.

9 The Planning Commission finds the applicant has satisfied
10 Ordinance requirements in that correct notice was given. All
11 relevant Comprehensive Plan Policies were complied with, and
12 there were not violations to Goal 3, Agricultural Lands or
13 Goal 5 - Historic Resources, in that the historical resource will
14 be preserved.

15 VII. ORDER

16 Therefore, it is hereby ordered the request for Conditional
17 Use Permit 31-88 is approved subject to the following:

18 1. No building permit will be issued for a period of thirty
19 days following the mailing of this order.

20 2. A copy of the written offer to donate the Spring Lake
21 School building to the Klamath County Historical Society shall
22 be submitted to the Planning Director within ninety days follow-
23 ing the mailing of this order.

24 3. This permit shall not be final nor shall a building
25 permit for a non-farm dwelling be issued until the applicant
26 provides the Planning Director with evidence that the lot or
27 parcel upon which the dwelling is proposed to be located has
28 been disqualified for valuation at true cash value for farm use

1 and that any additional tax or penalty imposed by the County
2 Assessor has been paid.
3 Dated this 12 Day of October, 1988.

4
5 Presiding Officer at the Planning Commission

6
7 Susan H. Crismon

8 Secretary to the Planning Commission

9
10
11 Carl Shuck

12
13
14 Approved as to Form and Content:

15 David Mannix
16 David Mannix, Deputy County Counsel

17 Klamath County Land Development Code Section 24.007
18 provides:

19 "An Order of the Planning Commission shall be final
20 unless appealed within ten (10) days of its mailing by a
21 party having standing in accordance with the procedures set
22 forth in Chapter 3, Article 33 of this Code."
23

STATE OF OREGON: COUNTY OF KLAMATH: ss. _____ the 14th day
Filed for record at request of Klamath County _____
of Oct. A.D., 19 88 at 10:55 o'clock A.M., and duly recorded in Vol. M88
of _____ Deeds on Page 17277
By Evelyn Biehn County Clerk
Carolene Mullens

FEE none

Return: Commissioners' Journal

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