

BEFORE THE PLANNING COMMISSION
KLAMATH COUNTY, OREGON

IN THE MATTER OF REQUEST FOR
CONDITIONAL USE PERMIT 19-89 FOR
S & H TRUST

ORDER

1. Nature of Application

A hearing on this application was held May 23, 1989, pursuant to notice given in conformity with Ordinances No. 44 and 45. The hearing was held before the Klamath County Planning Commission. The request for two dwellings not in conjunction with farm use was considered pursuant to Section 51.017D.

II. Names of those involved

The applicant was represented by Mary Cheyne. The Planning Department was represented by Kim Lundahl, Senior Planner. County Counsel, Michael Spencer, was present.

III. Legal Description

The subject property is located in Sections 8, 9, 16 and 17, Township 41 south Range 11 east W. M.. Located generally southeast of the intersection of the Lost River and Malone Rd..

IV. Relevant Facts

The property has an Agriculture plan designation with an implementing zone of Exclusive Farm Use-Cropland. The property is 292 acres in size and is under farm tax deferral.

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V. Findings

All evidence submitted as the staff report, exhibits A-E, and offered testimony show that the approval criteria as set out in the code has been satisfied. The Commission finds this application;

1. is compatible with farm use because:

The land use for the parcels will remain unchanged. Therefore, parcels 1 and 2 of the related partition map, MJP 13-89 which have always been compatible with farm use, will continue to be compatible with farm use as defined in the L.D.C. and consistent with the agricultural land use policy adopted by the legislature.

2. does not interfere seriously with accepted farming practices on adjacent lands devoted to farm use because:

Considering the historical use of these properties, their size, shape and location with respect to surrounding land devoted to farm use, and the creation of new access to parcel three; these proposed parcels and uses will not interfere with accepted farming practices on adjacent lands devoted to farm use.

3. does not alter the stability of the overall land use pattern of the area because:

In as much as the applicants are not proposing a new usage of the land; that the dwellings already exist and the present use will remain unchanged; the proposal will not materially alter the stability of the overall land use pattern of the area.

4. is situated upon generally unsuitable land for the pro-

duction of farm crops and livestock, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation location and size of the tract.

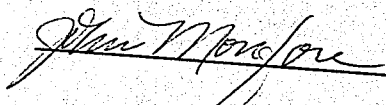
Each of the small parcels each has a very small pasture area, abundant shrubbery, and fruit and shade trees. Considering the established vegetation, the size of the parcels and existence of established dwellings; the parcels are generally unsuitable for agricultural production.

VI. Conclusions and Order

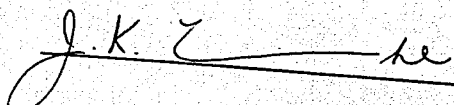
The Planning Commission finds the applicant has satisfied the review criteria in that the correct notice was given, all relevant Comprehensive Plan Policies were complied with, and there were not compromises to Goal 3-Agricultural Lands. Therefore it is hereby ordered the request for Conditional use Permit 18-89 is approved.

DATED this 9 Day of JUNE, 1989

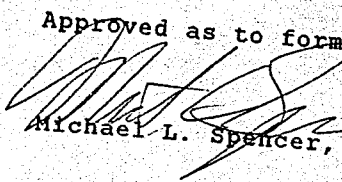
Presiding Officer at the Planning Commission

_____

Secretary to the Planning Commission

_____ FOR CARL SHUCK

Approved as to form and content


Michael L. Spencer, County Legal Counsel

The Conditional Use Permit shall not be final nor shall a building permit for a non-farm dwelling be issued under this order until the applicant provides the Planning Department with evidence that the lot or parcel upon which the dwelling is proposed to be located has been disqualified for valuation at true cash value for farm use and that any additional tax or penalty imposed by the County Assessor has been paid.

Notice Of Appeal Rights

You are hereby notified that this decision may be appealed to the Klamath County Board of Commissioners by filing with the Klamath County Planning Department a Notice of Appeal as set out in Section 33.004 of the Klamath County Land Development Code, together with the fee required within ten days of the date of mailing of this decision. The notice must be received by the Planning Department no later than 5:00 P.M. on the tenth day or next business day if the tenth day falls on a weekend or holiday. Failure to file a notice of appeal within the time provided will result in the loss of your right to appeal this decision.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of _____
of _____ June _____ A.D., 19 89 at 3:29 o'clock _____ P. M., and duly recorded in Vol. _____ m89
_____ Deeds _____ on Page 10333

FEE none

Return: Commissioners Journal

Evelyn Biehn County Clerk

By Pauline Mullendore