

BEFORE THE PLANNING COMMISSION
KLAMATH COUNTY, OREGON

IN THE MATTER OF REQUEST FOR
CONDITIONAL USE PERMIT 17-89 FOR
JAMES G. & EILEEN GRIMES

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 three dwellings not in conjunction with farm use was considered pursuant to Section 51.017D.

II. Names of those involved

The applicant was present and offered testimony in behalf of this request. The Planning Department was represented by Kim Lundahl, Senior Planner. County Counsel, Michael Spencer, was present. James B. Grimes also offered testimony in behalf of this application.

III. Legal Description

The subject property is located in Sections 10 and 15, Township 39 south Range 10 east W. M.. Located generally north of Hwy 140 and west of Olene, Pine Grove area.

IV. Relevant Facts

The property has an Agriculture plan designation with an implementing zone of Exclusive Farm Use-Cropland. The property is 15 acres in size and is not under farm tax deferral.

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V. Findings

All evidence submitted as the staff report, exhibits A-G, 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:

Adjacent properties are not and cannot be devoted to farm use as:

A. The existing pattern of parcel segregation precludes agricultural use which would result in a profit.

B. Water in quantities sufficient for agricultural use is not available.

C. The terrain is steep and rocky over portions of the property. This conclusion is based on letter from the S.C.S. dated 5-5-89.

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

All lands lying adjacent to the project site are idle and have been for many years, as:

A. The properties are unsuited for economic farm use.

B. The cost of clearing the properties for farm use is \$300.00/acre.

C. The livestock carrying capacity is 24 acres per animal unit month.

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

Large lot rural-residential development has been established in this area. The applicants proposal was found to represent

a continuation of that trend.

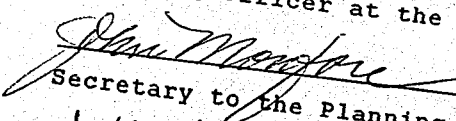
4. is situated upon generally unsuitable land for the production of farm crops and livestock, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation location and size of the tract. The soil series present has limitations to agricultural use. The terrain is steep and rocky over portions of the property. The size of the parcel, 15 acres, is not an economic unit. Water for agricultural use is not available.

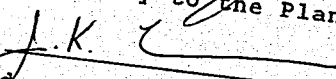
VI. Conclusions and Order

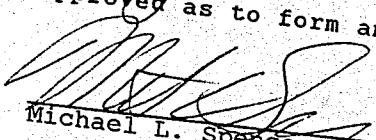
The Planning Commission finds the applicant has satisfied the review criteria in that the correct notice was given, all relevant Comprehensive Plan Policies were complied with, and there were not compromises to Goal 3-Agricultural Lands. Therefore it is hereby ordered the request for Conditional Use Permit 17-89 is approved.

DATED this 7 Day of June, 1989

Presiding Officer at the Planning Commission


Secretary to the Planning Commission

J.K.  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 Klamath County the 9th day
of June A.D., 19 89 at 3:29 o'clock P. M., and duly recorded in Vol. M89
of Deeds on Page 10337.

FEE \$none

Return: Commissioners Journal

Evelyn Biehn County Clerk

By Pauline Mullendore