

BEFORE THE PLANNING COMMISSION
KLAMATH COUNTY, OREGON

IN THE MATTER OF REQUEST FOR
CONDITIONAL USE PERMIT 21-89 FOR
J. CLAUDE BOWDEN

ORDER

I. Nature of Application

A hearing on this application was held June 27, 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 one dwelling not in conjunction with farm use was considered pursuant to Section 51.017D.

II. Names of those involved

The applicant was present and testified in support of the application. The Planning Department was represented by Kim Lundahl, Senior Planner. The recording secretary was Karen Burg, Administrative Secretary.

III. Legal Description

The subject property is located in Sections 30, Township 39 South Range 10 East W. M. Located generally west of Reeder Road, 1/2 mile south of Crystal Springs Road.

IV. Relevant Facts

The property has an Agriculture plan designation with an implementing zone of Exclusive Farm Use-Cropland. The property is 10.10 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 applicants analysis of surrounding properties and use indicates the size of the existing parcel and the proposed use as large lot rural/residential are compatible with the neighborhood and with the limited commercial farm use in the immediate area. .

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

The proposed dwelling would not interfere with accepted farming practices on adjacent lands, as most are not presently engaged in farming other than just for personal use. The proposed building site is in the midst of existing dwellings and other improvements on small parcels of land.

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

There is no way the proposed dwelling would alter the present use of the land since it is unused and barren. Most of the adjacent terrain is spotted with homes situated on small acreages, which is typical of the Crystal Springs area.

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 home would be built on land not suitable for the production of any sizable farm crop or for raising any great number of farm animals due to the small size of the project parcel.

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 21-89 is approved.

DATED this 19th Day of July, 1989

Presiding Officer at the Planning Commission

Lusan H. Crismon

Secretary to the Planning Commission

Carl Shuck

Approved as to form and content

Michael L. Spencer
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 20th day
of July A.D., 19 89 at 3:58 o'clock PM., and duly recorded in Vol. M89
of Deeds on Page 13288

FEE none

Evelyn Biehn, County Clerk

By Pauline Mullendore

Return: Commissioners Journal