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BEFORE THE PLANNING COMMISSION
KLAMATH COUNTY, OREGON

IN THE MATTER OF REQUEST FOR
CONDITIONAL USE PERMIT 15-89 FOR
CHARLES AND WANDA SHIPMAN AND LOCATED
IN THE EFU-CG ZONE

ORDER

1. Nature of Application

A hearing on this application was held July 25, 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 51.018C

II. Names of those involved

The applicant was represented by Bill Kalita, who testified in support of the application. The Planning Department was represented by Kim Lundahl, Senior Planner. The recording secretary was Karen Burg, Administrative Secretary. Letters in opposition to this application were received from John R. Glasow and R.L. Cleveland.

III. Legal Description

The subject property is located in Section 21, Township 34 South, Range 8 East, W.M.. Located generally six miles east of Chilouin, north of the Sprague River Hwy.

IV. Relevant Facts

The property has an Agriculture plan designation with an implementing zone of Exclusive Farm Use-Cropland/Grazing. The property is 10 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-I, 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:

There exists no property devoted to agricultural use within 1/2 mile of the subject property. The applicants land-use study indicates a rural subdivision is platted 1/4 mile to the east, large lot rural residential lots to the south and west, and Forest Service ownership to the north. None of the properties in the study area are under farm use deferral.

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

The actual land use pattern of the area will be perpetuated through the approval of this permit. The applicants land use map indicates similar development on properties of similar size(10 acres) to the proposed is in place to the north, west and south of the subject property.

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.

Most of the property has a mild westerly slope. A rocky ridge cuts through the easterly portion of the property. From the ridgetop east to the Sprague River the land slopes very steeply. The vegetation of the property is pines and brush. The small size of the parcel precludes commercial agricultural use. The Sprague River and floodplain encumber the easterly portion of the property.

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 15-89 is approved.

DATED this 3 Day of August, 1989

Presiding Officer at the Planning Commission

Susan H. Crismon

Secretary to the Planning Commission

J. K. [Signature]
 Approved as to form and content

[Signature]
 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
 on this 7th day of Aug. A.D. 19 89
 at 10:33 o'clock A.M. and duly recorded
 in Vol. M89 of Deeds Page 14522
 Evelyn Biehn County Clerk
 By [Signature] Deputy

Return: Commissioners Journal

Fee, none