

BEFORE THE PLANNING COMMISSION  
KLAMATH COUNTY, OREGON

IN THE MATTER OF CUP 36-89 FOR  
BARBARA A. VINICKY TO ESTABLISH A RESIDENCE  
NOT IN CONJUNCTION WITH FARM USE

ORDER

1. NATURE OF THE REQUEST:

The applicant wishes to establish a residence not in conjunction with farm use on 4.31 acres in the Pine Grove area.

This request was heard by the Planning Commission September 26, 1989 pursuant to Ordinances 44 and 45. The request was reviewed for conformity with Land Development Code Section 51.017 D.

2. NAMES OF THOSE WHO PARTICIPATED:

The applicant appeared and offered testimony in support of the application. The Planning Department was represented by Kim Lundahl, Senior Planner. The recording secretary was Karen Burg. Legal assistance was given by Michael L. Spencer, County Counsel. A quorum of the Planning Commission was in attendance.

3. LEGAL DESCRIPTION:

The property under consideration is located in the Northeast 1/4 of Section 11, Township 39 south, Range 10 east, W.M.. Generally located east of Pine Grove Rd., north of Hwy 140.

T.A. 3910-1600-600

#### 4. RELEVANT FACTS:

The property is within the Agriculture plan designation and has an implementing zone of EFU-C. The property is 4.31 acres in size and is not under farm tax deferral.

#### 5. FINDINGS:

All evidence submitted as the staff report, exhibits b-c, and offered testimony show that the approval criteria as set out in Code section 51.017 D has been satisfied. The Planning Commission finds this application;

1. Is compatible with farm use because:

The applicants analysis of surrounding properties and their use indicates the size of the existing parcel and the proposed use as large lot rural/residential are compatible with the adjacent land uses and with the limited commercial farm use in the area.

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

The proposed residential use would not interfere as most parcels in the area are not devoted to commercial farm use. The Planning Commission finds the proposed use is surrounded by existing residential use of a similar nature and parcel size to that proposed by the applicant.

The permit holder is required as a condition of this approval to file a restrictive covenant which will prohibit the permit holder and successors in interest from filing complaint concerning valid farming practices on adjacent lands.

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

The overall land use of the area is large lot rural/residential use. The granting of this permit perpetuates the pattern established in the Pine Grove area over the last 30 years.

4. Is situated upon generally unsuitable land for the production of farm crops and livestock, because:

The proposed residence would be built on a parcel 4.31 acres in size. The Commission finds this parcel size unsuitable for commercial agricultural use due to its small size.

5. ORDER:

Therefore, it is ordered the request of Barbara A. Vinicky for C.U.P. 36-89 is approved subject to the following conditions:

1. The applicant shall file a restrictive covenant with the County Clerk prohibiting the permit holder and their successors in interest from filing complaint concerning accepted resource management practices that may occur on nearby lands
2. 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.

DATED this 13 day of October, 1989

Presiding Officer of the Planning Commission

Susan H. Crismon

Secretary to the Planning Commission

Carl Shuck

Approved as to form and content:

Michael L. Spencer

Michael L. Spencer, County Counsel

#### NOTICE OF APPEAL RIGHTS

You are hereby notified that this application 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.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County the 17th day  
of Oct. A.D., 19 89 at 3:34 o'clock P.M., and duly recorded in Vol. M89  
of Deeds on Page 19698

Evelyn Biehn - County Clerk

By Pauline Muelendore

FEE none

Return: Commissioners Journal