

BEFORE THE PLANNING COMMISSION
KLAMATH COUNTY, OREGONIN THE MATTER OF CUP 37-89 AND MNP 34-89 FOR
ALAN & IRIS GREAVES 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 2.0 acres in the Yonna Valley Area.

Also considered was the request to partition the property into two parcels of 2.0 and 158.0 acres each.

This request was heard by the Planning Commission February 27, 1990 pursuant to Ordinances 44 and 45, having been continued at the applicants request from 9-26-89 and 11-28-89. The request was reviewed for conformity with Land Development Code Sections 51.018 D and E 1 c. and with O.R.S. 215.243.

2. NAMES OF THOSE WHO PARTICIPATED:

A quorum of the Planning Commission sat in review of this application.

Neither a representative or the applicant appeared and offered testimony in support of the applications. The Planning Department was represented by Kim Lundahl, Senior Planner. The recording secretary was Leanne Mitchel, Administrative Secretary.

3. LEGAL DESCRIPTION:

The property under consideration is located in portions of section 19, T 38S R 11E and section 24, T 38 S R 11 1/2E W.M.

4. RELEVANT FACTS:

The property is within the Agriculture plan designation and has an implementing zone of EFU-CG. The property is 158 acres in size and is under farm tax deferral.

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5. FINDINGS:

All evidence submitted as the staff report, exhibits b-f, and offered testimony show that the approval criteria as set out in Code section 51.017 D and E 1 c has not been satisfied. The Planning Commission finds this application;

1. Is not compatible with farm use because:

The analysis of surrounding properties and their use indicates the size of the proposed parcel and the proposed use as rural/residential are not compatible with the adjacent land uses of commercial agriculture.

2. Does interfere seriously with accepted farming practices on adjacent lands devoted to farm use because:

The permitting of a non-farm residence may lead to conflicts with legitimate commercial agricultural practices.

3. Does alter the stability of the overall land use pattern of the area because:

The overall land use of the area is found to be commercial agriculture. This use may be compromised by the conversion of an existing farm residence to a non-farm use. The land use pattern of the area may be modified and not perpetuated by the addition of a non-farm residence.

4. Is not 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 because:

The existing parcel is 158 acres in size. The Planning Commission finds this parcel size suitable for commercial agricultural use due to its size, soil characteristics and location.

Partitions creating parcels less than the 80 acre minimum lot size for

non-farm uses are reviewed per the criteria set out in L.D.C. section 51.018
E 1 c.

The Planning Commission finds this partition does not conform to these criteria as:

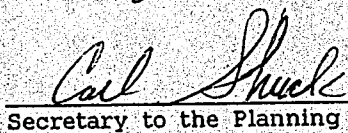
The Commission finds the criteria set out above have not been satisfied and cannot grant a partition creating a parcel size less than the 80 acre minimum required by the Code.

6. ORDER:

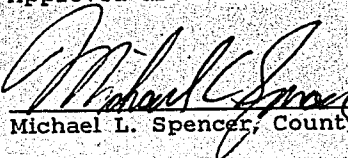
Therefore, it is ordered the request of Alan and Iris Greaves for C.U.P. 37-89 and M.N.P. 34-89 is DENIED.

DATED this 7th day of March, 1990


Presiding Officer of the Planning Commission


Secretary to the Planning Commission

Approved as to form


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 following the mailing date of this order.

CUP 37-89/MNP 34-89 Greaves

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STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County the 8th day
of March A.D., 19 90 at 9:32 o'clock AM., and duly recorded in Vol. M90
of Deeds on Page 4345.

FEE none

Evelyn Biehn County Clerk

By Darlene Mulvihill

Return: Commissioners Journal