FARM MANAGEMENT DWELLING
REVIEW/DISPOSITION

APPLICANT: CUP 83-98 – *Ron and Linda SUMNER*

HO Hearing: 11-6-98

REQUEST: To establish a primary farm dwelling for the farm operator. The predominant land use is found to be Agriculture, hence the provisions of Article 54 apply. This is a **LOT OF RECORD** application per Sec. 54.080. This dwelling will be a manufactured home and will be the only residence on this tract. Farm Size is 2.32.

LOCATION: north of Henley Rd., west of Hwy 39, Henley.

LEGAL DESCRIPTION: por SE ¼ Sec. 24, T 39S R 9E. T.A. 3909-24-900.

ZONE/PLAN: EFU-C

DEFERRAL: No

UTILITIES: **WATER:** Well   **FIRE:** KCFD #1
SEWER: Septic   **ELECTRIC:** Pacific Power

NARRATIVE AND RECOMMENDATION: The applicant wishes to establish a primary farm dwelling for the farm owner. The primary agricultural use is pasture. The farm encompasses 5.00 acres and is found **NOT TO BE HIGH VALUE FARMLAND.** As the ownership predates January 1, 1985, (9-28-81) **LOT OF RECORD** provisions apply.

DISPOSITION: APPROVAL

Based on the attached findings, the residence applied for is necessary to the primary use of the property, agriculture. The applicant supplied information documenting this dwelling is necessary to the operation of the farm venture along with staff research, supporting this conclusion. This application and request is found to comply with the review criteria as set forth in the Klamath County Land Development Code Article 54, adopted in response to HB 3661, and conditioned on the following:

1. *Clearances for the dwelling must be obtained within two years of the date below.*

DATED this __17__ day of __NOV__ 1998

Joan-Marie Michelson, Hearings Officer

For JMM

NOTICE: An Order of the Hearings Officer may be appealed to the Board of County Commissioners within seven days of its execution per the procedures set out in Article 33.

42162

BEFORE THE HEARINGS OFFICER OF KLAMATH COUNTY, OREGON

In the Matter of the application by:)
RON AND LINDA SUMNER   )   ORDER
)   CASE NUMBER CUP 83-98
)

_____

The applicants have requested permission to build a structure on property zoned EFU-C.

FINDINGS

The hearings officer finds that this property has been previously subdivided and can not be reasonable put to commercial farm use and it is impossible to expect it to be consolidated.

The applicants have been advised that they are in a flight path near a runway and that the noise level and flight level may or may not increase significantly over time.

ORDER

Therefore, it is hereby ordered that the applicants request to establish a ~~Forest~~ *FORM* Dwelling is approved subject to the following conditions:

a. That the septic system will be completed, approved and operational by Environmental Health Services Division and Building department.

b. That the applicant files a restrictive covenant with the county clerk prohibiting the permit grantee and successors in interest from dividing the property or filing any complaint of any type or kind concerning presently accepted resource management practices and farming uses that may occur on nearby lands devoted to commercial or other resource use.

c. The structures beyond the original dwelling built by applicant shall be reviewed by the Airport staff and FAA on the forms provided by the Airport and comply with their requirements.

Dated this 16th day of November, 1998

Joan-Marie Michelsen
Hearings Officer

NOTICE OF APPEAL RIGHTS

Your are hereby notified 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 SEVEN DAYS (7) following the mailing date of this order.

STATE OF OREGON: COUNTY OF KLAMATH : ss.

Filed for record at request of _____ Klamath County _____ the __18th__ day of __Nov__ A.D., 19 98 at __2:04__ o'clock __P__ M., and duly recorded in Vol. __M98__, of __Deeds__ on Page __42161__.

Bernetha G. Letsch, County Clerk

FEE   none   Ret: Commissioners Journal   By _Kathlun Koss_