

BEFORE THE HEARINGS OFFICER
FOR KLAMATH COUNTY, OREGON

In the Matter of a) NO. 20-83
REQUEST FOR VARIANCE)
for) FINDINGS OF FACT, DECISION
WEYERHAEUSER TIMBER) AND ORDER
COMPANY)

THIS MATTER came on for a hearing before the Klamath County Assistant Hearings Officer, JAMES R. UERLINGS, on November 17, 1983, at 1:30 p.m. in the Klamath County Commissioners' Hearing Room. The hearing was held pursuant to notice given in conformity with the Klamath County Development Code and related ordinances. The applicant, WEYERHAEUSER TIMBER COMPANY, was represented by JOHN D. MONFORE.

The following exhibits were offered, received into evidence, and made a part of the record: Exhibits "A" through "C".

The Assistant Hearings Officer, after reviewing the evidence presented, makes the following findings of fact and decision.

FINDINGS OF FACT:

1) The applicant is the owner of the subject property and is requesting the variance in order to reduce the minimum lot size from the required 80 acres to 15.4 acres in order to be able to separate the former Weyerhaeuser Lumber Camp from timberland around it. The property is located in Section 36, FINDINGS OF FACT, DECISION AND ORDER, Page 1.

1 Township 28S, Range 11 East, also known as a portion of the
2 N½, NW¼ of Section 36, Township 28S, Range 11 East, Klamath
3 County, Oregon, and consists of 15.4 acres.

4 2) The property has a plan designation of Forestry,
5 a zone designation of F-I, and adjacent and surrounding zoning
6 of F-I.

7 3) The vegetation of the property consists of
8 some timber; however, the applicant requesting the variance
9 is designing the parcel so as to leave the marketable timber
10 upon the portion remaining under Weyerhaeuser ownership.
11 The timber site productivity rating is V. The forest land
12 surrounding the subject property will continue to be managed
13 for timber production. The applicant indicated that the use
14 of the property would be allowed under the permitted and
15 conditional uses of an F-I zone. The applicant indicated
16 that there would be no Goal 4 or Goal 5 interference by
17 this variance.

18 4) Without this variance, the applicant would, in all
19 likelihood, need to sell the camp site with the surrounding
20 65 acres of forest land. However, in this manner, the applicant
21 would be able to comply more readily with Goals 4 and 5.

22 KLAMATH COUNTY DEVELOPMENT CODE CRITERIA:

23 See Exhibit "AA" attached hereto and incorporated
24 by this reference.

25 KLAMATH COUNTY DEVELOPMENT CODE FINDINGS:

26 * * * * *

1 1) See Findings of Fact 1-4 above.

2 2) A literal enforcement of this Code would result
3 in a practical difficulty or an unnecessary hardship to the
4 applicant. This difficulty arises from personal circumstances
5 of the applicant which would result in a greater private
6 expense than a public benefit from strict enforcement requiring
7 the applicant to either keep facilities which are not useful
8 to the company or to sell off these facilities along with
9 65 acres of very productive timber land.

10 3) The condition causing the difficulty was not
11 directly created by the applicant, but was caused by the
12 failing economy requiring the closing of the camp.

13 4) The granting of this variance will not be mater-
14 ially detrimental to the public health, safety and welfare or
15 to the use and enjoyment of adjacent properties and will not
16 be contrary to the intent of this Code.

17 STATE-WIDE PLANNING GOALS AND CRITERIA:

18 See Exhibit "BB" attached hereto and incorporated
19 by this reference.

20 CONCLUSIONS OF LAW AND DECISION:

21 A. This request for variance satisfies all applicable
22 Klamath County Development Code criteria and policies governing
23 such.

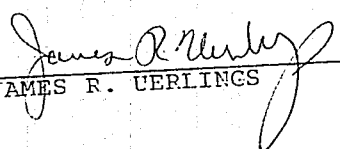
24 B. This request for variance is in conformity with
25 the Klamath County Comprehensive Land Use Plan.

26 C. This request for variance is consistent with

1 and complies with the applicable State-wide Planning Goals
2 and all requirements of State law.

3 THEREFORE, it is hereby ordered that this variance
4 be granted.

5 DATED this 22 day of November, 1983.

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9 JAMES R. UERLINGS
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KLAMATH COUNTY DEVELOPMENT CODE CRITERIA:SECTION 43.003 - REVIEW CRITERIA

A Variance shall be granted only upon finding by the review authority that it satisfies the following criteria:

A. That a literal enforcement of this Code would result in practical difficulty or unnecessary hardship. The difficulty or hardship may arise from the property's size, shape or topography, from the location of lawfully existing buildings and improvements, or from personal circumstances which would result in greater private expense than public benefit of strict enforcement.

B. That the condition causing the difficulty was not created by the applicant.

C. That the granting of the Variance will not be detrimental to the public health, safety, and welfare or to the use and enjoyment of adjacent properties and will not be contrary to the intent of this Code.

COMPREHENSIVE PLAN POLICIES AND STATE

LAND USE GOALS 1 - 14

20217

GOAL NO. 1 - Citizen Involvement

- ☒ Complies ☐ Does not Comply
☐ Complies with conditions
☐ Not applicable

Relevant Policies:

1. "The County shall provide for continued citizen involvement opportunities."

State Goal Issues:

A public hearing on this matter has been set for November 17, 1983. Notice has been sent to surrounding property owners, concerned public agencies and published in the Herald and News.

GOAL NO. 2 - Land Use Planning

- ☒ Complies ☐ Does not comply
☐ Complies with conditions
☐ Not applicable

Relevant Policies:

State Goal Issues:

The variance would allow the company to sell the unneeded camp while keeping the maximum amount of forest land undisturbed. A determination of compliance with the criteria of Article 43 (Variances) must be made at the hearing.

Article 46
Major/Minor Partition
Section 46.003 Review Criteria

| | Complies | Does not Comply | N.A. |
|-----|--------------------------|--------------------------|--------------------------|
| A - | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| B - | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| C - | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| D - | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| E - | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
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| K - | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| L - | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

GOAL NO. 3 - Agricultural Lands

20218

- ☐ Complies ☐ Does not Comply
☐ Complies with conditions
☒ Not applicable

Relevant Policies:

State Goal Issues:

The property is developed and committed to non-farm use. The variance would not cause a change which would affect any nearby cattle operations.

GOAL NO. 4 - Forest Lands

- ☒ Complies ☐ Does not Comply
☐ Complies with conditions
☐ Not applicable

Relevant Policies:

1. "Existing forest uses shall be protected unless proposed land use changes are in conformance with the Klamath County Comprehensive Plan."

State Goal Issues:

The variance is designed to allow for preservation of forest land for timber production. The proposed partition parcel would only include the camp facilities, leaving surrounding forest land intact.

GOAL NO. 5 - Open Space, Scenic and Historic Areas, and Natural Resources

- ☐ Complies ☐ Does not Comply
☐ Complies with conditions
☒ Not applicable

20219

Relevant Policies:

State Goal Issues:

With no change of use, the variance would not affect any scenic, historic or natural resources.

GOAL NO. 6 - Air Water and Land Resource Quality

- ☐ Complies ☐ Does not Comply
☐ Complies with Conditions
☒ Not applicable

Relevant Policies:

State Goal Issues:

The variance would not alter the existing use of the property and would not cause added impacts on air, water or land resource quality.

GOAL NO. 7 - Natural Disaster and Hazards Area

☐ Complies ☐ Does Not Comply

☐ Complies with conditions

☒ Not applicable

20220

Relevant Policies:

State Goal Issues:

With no change in use, the variance would not add to any hazards affecting the area.

GOAL NO. 8 - Recreation Needs

☒ Complies ☐ Does Not Comply

☐ Complies with conditions

☐ Not applicable

Relevant Policies:

State Goal Issues:

The variance would facilitate partitioning and sale of the camp.
The site could become available for resort or recreational use.

GOAL NO. 9 - County Economy

20221

- ☒ Complies ☐ Does not Comply
☐ Complies with conditions
☐ Not applicable

Relevant Policies:

State Goal Issues:

The variance would provide some economic benefits in that it would allow the company to dispose of an unneeded facility.

GOAL NO. 10 - Housing

- ☐ Complies ☐ Does not Comply
☐ Complies with conditions
☒ Not applicable

Relevant Policies:

State Goal Issues:

The variance would not affect the need for or availability of housing in the area.

Page 10
GOAL NO. 11 - Public Facilities and Services

20222

- ☐ Complies ☐ Does not Comply
☐ Complies with conditions
☒ Not applicable

Relevant Policies:

State Goal Issues:

The variance would not create an additional demand for public facilities and services.

GOAL NO. 12 - Transportation

- ☒ Complies ☐ Does not Comply
☐ Complies with conditions
☐ Not applicable

Relevant Policies:

State Goal Issues:

The property is served by a cinder road connecting with the County's Silverlake Highway, a paved road. The variance would not affect access to or across the property.

GOAL NO. 13 - Energy Conservation

20223

- ☐ Complies ☐ Does Not Comply
☐ Complies with conditions
☒ Not applicable

Relevant Policies:

State Goal Issues:

The variance would not affect energy use or conservation.

GOAL NO. 14 - Urbanization

- ☐ Complies ☐ Does not Comply
☐ Complies with conditions
☒ Not applicable

Relevant Policies:

State Goal Issues:

The property is outside of any urban or urbanizing area.

Ret: Commissioners Journal.

Exhibit "BB", Page 7.

STATE OF OREGON: COUNTY OF KLAMATH: ss
I hereby certify that the within instrument was received and filed for
record on the 23 day of November A.D., 19 83 at 2:40 o'clock P.M.
and duly recorded in Vol M83, of Deeds on page 20212.

EVELYN BIEHN, COUNTY CLERK

by Ann Smith deputy

FEE \$ None