

BEFORE THE HEARINGS OFFICER
KLAMATH COUNTY, OREGON

48343

Vol. M85 Page

6483

1 In the Matter of Request for)
2 Conditional Use Permit No. 19-85)
3 for Frank L. DeMendoza,)
4 Applicant.)
5)

Klamath County Planning
Findings of Fact and Order

6 A hearing was held on this matter on April 18, 1985,
7 pursuant to notice given in conformity with Ordinance No. 45.2,
8 Klamath County, before the Klamath County Hearings Officer,
9 Jim Spindor. The applicant was present. The Klamath County
10 Planning Department was represented by Jonathan Chudnoff. The
11 Hearings Reporter was Judy Whitaker.

12 Evidence was presented on behalf of the Department and on
13 behalf of the applicant. There were no adjacent property owners
14 present.

15 The following exhibits were offered, received, and made
16 a part of the record:

17 Klamath County Exhibit A, Staff Report
18 Klamath County Exhibit B, Plot Plan
19 Klamath County Exhibit C, Assessor's Map
20 Klamath County Exhibit D, Letter from Department of Fish
21 and Wildlife
22 Klamath County Exhibit E, Letter from State Highway
23 Division
24 Klamath County Exhibit F, Letter from District Ranger
25 Klamath County Exhibit G, Photographs
26 Klamath County Exhibit H, Letter from Department of Health
27 Services

27 The hearing was then closed, and based upon the evidence
28 submitted at the hearing, the Hearings Officer made the

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1 following Conclusions of Law:
2 CONCLUSIONS OF LAW:

3 1. The proposed use is conditionally permitted in the zone
4 within which it is proposed to be located.

5 2. The location, size, design, and operating characteris-
6 tics of the proposed use are in conformance with the Klamath
7 County Comprehensive Plan.

8 3. The location, size, design, and operating characteris-
9 tics of the proposed use will be compatible with and will not
10 have a significant adverse effect on the appropriate development
11 and use of abutting property and the surrounding neighborhood.

12 4. The granting of this conditional use permit is consis-
13 tent with the goals of the L.C.D.C.

14 5. The requirements of Section 51.021 of the Land Develop-
15 ment Code with regard to non-forest uses have been met in that:

16 (a) The proposed use is compatible with forest uses;

17 (b) The proposed use does not interfere seriously
18 with accepted forestry practices on adjacent lands devoted
19 to forest use;

20 (c) The proposed use does not materially alter the
21 stability of the overall land use pattern of the area;

22 (d) The proposed use is situated on generally unsuit-
23 able land for the production of forest crops and
24 livestock;

25 (e) The proposed use considers forest site productivity
26 and minimizes the loss of productive forest lands;

27 (f) The proposed use meets the standards relating
28 to the availability of fire protection as set forth in

Article 69 of this Code and other rural services, and will not overtax those services.

6. This conditional use permit is granted subject to the following conditions:

(a) The water and sewage disposal system shall be approved by the Klamath County Health Department prior to the opening of the campground.

(b) The applicant shall obtain approval from the Oregon State Highway Division with regard to an approach permit and signs for the property prior to the opening of the campground.

(c) The applicant shall provide the Klamath County Planning Department with written proof of compliance with (a) and (b) above.

(d) All buildings and/or campsites on the property shall be within 500 feet of the state highway which abuts the property.

FINDINGS OF FACT:

The requested use has been granted with conditions based on the following findings of facts:

1. The applicant is the owner of property $4\frac{1}{2}$ miles east of Bly on Highway 140. He is proposing to develop a campground at the property's northeastern corner. The campground will include 12 RV spaces with water and electrical hookups, a shower and laundry building, a sewage dump station, an office with a store for camping needs, and an open area designated for self-contained RVs or tents.

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1 2. The property is in the Forestry/Range zone, is square
2 in shape, and consists of approximately 5.75 acres.

3 3. The property soils are in Capability Class VII,
4 generally unsuitable for agricultural uses. The campground is
5 being developed on a brushy, rocky area and would not result in
6 removal of productive land.

7 4. The area has no timber productivity rating and the
8 only trees are small scattered junipers. The only "forest use"
9 of this property is wildlife habitat.

10 5. The property is in a deer wintering range, and this
11 proposal has been reviewed by the Oregon Department of Fish and
12 Wildlife; see Exhibit "D". According to said exhibit, the small
13 size of the project and its location, so long as it is near the
14 highway, should pose no problems to wildlife.

15 6. The proposed dump station/septic system would be
16 subject to inspection and approval by the Klamath County Health
17 Department. No other sources of pollution are apparent.

18 7. The property is in a high wildfire hazard area. A
19 water source is available on the property, and there is fire-
20 fighting equipment at Bly, 4½ miles to the west.

21 8. The proposed use would provide a camping area for
22 recreational travelers on Highway 140. The national forest, BLM,
23 timberlands are extensively used for hunting, fishing, hiking, and
24 other forms of outdoor recreation.

25 9. Electrical and telephone service are installed to the
26 property. Water and sewage disposal will be provided by the
27 owner. This level of service is adequate for the proposed rural
28 campground.

6487

1 10. The property fronts on State Highway 140 and has two
2 approved access points. This highway is the main east-west
3 route across southern Oregon.

4 11. No one testified in opposition to the granting of this
5 permit, and no evidence was presented that there would be any
6 adverse effects to the abutting property or the surrounding
7 neighborhood by the granting of this permit.

8 The Hearings Officer, based on the foregoing Findings of
9 Fact, accordingly orders as follows:

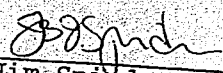
10 That real property described as:

11 "Being generally located on the south side of
12 Highway 140, 4½ miles east of Bly, and more
13 particularly described as being located in the
NW¼ NE¼ of Section 17, Township 37, Range 15,"

14 is hereby conditionally granted a Conditional Use Permit in
15 accordance with the terms of the Klamath County Zoning Ordinance
16 No. 45.2, and, henceforth, will be allowed to establish an RV
17 campground with related facilities in the FR (Forest/Range)
18 zone.

19 Entered at Klamath Falls, Oregon, this 1st day of
20 May, 1985.

21 KLAMATH COUNTY HEARINGS DIVISION

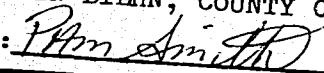
22 
23 Jim Spindor, Hearings Officer

24 Return: Commissioner's Journal

25 C.U.P. 19-85
26 Page 5

27 STATE OF OREGON: COUNTY OF KLAMATH:ss
28 I hereby certify that the within instrument was received and filed for
record on the 2nd day of May A.D., 19 85 at 9:46 o'clock A M,
and duly recorded in Vol M85, of Deeds on page 6483.

Fee: \$ None

EVELYN BIEHN, COUNTY CLERK
by: , Deputy