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BEFORE THE HEARINGS OFFICER
KLAMATH COUNTY, OREGON

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1 In the Matter of Request for)
2 Conditional Use Permit No. 22-85)
3 for Shane Hostbjor, Applicant)

Klamath County Planning
Findings of Fact and Order

4 A hearing was held on this matter on June 6, 1985, pursuant
5 to notice given in conformity with Ordinance No. 45.2, Klamath
6 County, before the Klamath County Hearings Officer, Jim Spindor.
7 The applicant was present. The Klamath County Planning Department
8 was represented by Jonathan Chudnoff. The Hearings Reporter was
9 Karen Burg.

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

13 The following exhibits were offered, received, and made
14 a part of the record:

15 Klamath County Exhibit A, Staff Report
16 Klamath County Exhibit B, Plot Plan
17 Klamath County Exhibit C, Assessor's Map
18 Klamath County Exhibit D, Explanatory Note
19 Klamath County Exhibit E, Photos

20 The hearing was then closed, and based upon the evidence
21 submitted at the hearing, the Hearings Officer made the following
22 Conclusions of Law:

23 CONCLUSIONS OF LAW:

- 24 1. The proposed use is conditionally permitted in the zone
25 within which it is proposed to be located.
26 2. The location, size, design and operating characteristics
27 of the proposed use are in conformance with the Klamath County
28 Comprehensive Plan.

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1 3. The location, size, design and operating characteristics
2 of the proposed use will be compatible with and will not have a
3 significant adverse affect on the appropriate development and use
4 of the abutting property and the surrounding area.

5 4. The granting of this Conditional Use Permit is consistent
6 with the goals of the LCDC.

7 5. The requirements of Section 51.021 of the Land Development
8 Code with regard to non-forest uses have been met in that:

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

10 (b) The proposed use does not interfere seriously
11 with accepted forestry practices on adjacent lands devoted to
12 forest use;

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

15 (d) The proposed use is situated on generally unsuitable
16 land for the production of forest crops and livestock;

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

19 (f) The proposed use meets the standards relating to
20 the availability of fire protection as set forth in Article 69
21 of this Code and other rural services, and will not overtax those
22 services.

23 6. This Conditional Use Permit is granted subject to the
24 following conditions:

25 CONDITIONS:

26 (a) The homes in question shall be occupied by the owner
27 of the property or a member of the owner's family;

28 (b) The applicant shall follow his plot plan which is

1 Exhibit "B" herein.

2 FINDINGS OF FACT:

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3 The requested use has been granted with conditions based on
4 the following Findings of Fact:

5 1. This request is to allow two non-forestry homesites on
6 an 8.16 acre parcel in the Forestry (F) zone. The property is
7 one of nine similar parcels along the north bank of the Williamson
8 River, about half a mile east of Thunderbeast Park. Three of the
9 parcels already have dwellings, a house and two mobile homes.
10 Three other parcels, including applicants, have wells, septic
11 systems, power and telephone already installed.

12 2. The land to the north is timberland owned by Crown-
13 Zellerbach. To the south, across the river is an extensive
14 natural meadow used for grazing.

15 3. The applicant intends to live in the house with his wife
16 with his inlaws to live in the mobile home.

17 4. The land across the river to the south is a meadow used
18 for grazing in the summer and fall. With the river acting as a
19 barrier, homes on this property do not interfere with any ranching
20 activity.

21 5. The property is one of nine small parcels developed as
22 recreational homesites. Building a house and placing a mobile
23 home would not require any tree removal or the construction of
24 new roads. Timber management on surrounding land would not be
25 affected.

26 6. The Williamson River and the surrounding wetlands are
27 important fish and waterfowl habitat. The two homes would be
28 about 300 feet away from the flood plain and should have no

1 adverse affect on the river.

2 7. An approved septic system is installed on the property.

3 8. The area has a high fire hazard rating. Water sources
4 are available on the property, and the proposed homesites are in
5 a clear area which protects against the spread of fire.

6 9. The river is open for fishing and boating. Other
7 recreational opportunities such as camping and cross-country
8 skiing are available in the surrounding woods.

9 10. The property is reached via a dirt easement road connect-
10 ing with Highway 97. The road is adequate to serve two homes.

11 11. No one testified in opposition to the granting of this
12 permit, and no evidence was presented that there would be any
13 adverse affects to the abutting property or the surrounding area
14 by the granting of this permit.

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

17 That real property described as

18 "being generally located on the Williamson River,
19 about 45 miles north of Klamath Falls, east of
20 Thunderbeast Park, and more particularly described
as being located in the E $\frac{1}{2}$ E $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 24,
Township 32, Range 7, Klamath County, Oregon,"

21 is hereby granted a Conditional Use Permit with conditions in
22 accordance with the terms of the Klamath County Zoning Ordinance
23 No. 45.2, and, henceforth, will be allowed two non-forest home-
24 sites in the Forestry zone.

25 Entered at Klamath Falls, Oregon, this 15 Day of July,
26 1985.

27 KLAMATH COUNTY HEARINGS DIVISION

28 Bogardi

Hearings Officer

C.U.P. No. 22-85
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STATE OF OREGON: COUNTY OF KLAMATH:ss

I hereby certify that the within instrument was received and filed for
record on the 2nd day of July A.D., 1985 at 1:37 o'clock P M,
and duly recorded in Vol MS5, of Deeds on page 10192.

Fee: \$ None Return; Commissioners
Journal

EVELYN BIEHN, COUNTY CLERK

by: Sam Smith, Deputy