

In the Matter of Request for
Conditional Use Permit No. 32-85
for Paul and Blanche Hatchett

) Klamath County Planning
)
) Findings of Fact and Order

A hearing was held on this matter on September 5, 1985, pursuant to notice given in conformity with Ordinance No. 45.2, Klamath County, before the Klamath County Hearings Officer, Jim Spindor. The applicant was represented by Ann Fairclo. The Klamath County Planning Department was represented by Claudia Stine. The Hearings Reporter was Janet Libercajt.

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

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

Klamath County Exhibit A, Staff Report
Klamath County Exhibit B, Plot Plan
Klamath County Exhibit C, Assessor's Map
Klamath County Exhibit D, Conditional Use Permit Request
Klamath County Exhibit E1, Pictures
Klamath County Exhibit E2, Pictures

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

CONCLUSIONS OF LAW:

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

2. The location, size, design and operating characteristics of the proposed use are in conformance with the Klamath County

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1 Comprehensive Plan.

2 3. The location, size, design and operating characteristics
3 of the proposed development will be compatible with and will not
4 have any significant adverse affects on the appropriate use and
5 development of abutting property and the surrounding neighborhood
6 so long as the conditions set forth hereinbelow are followed.

7 4. The granting of this Conditional Use Permit is consistent
8 with the goals of the L.C.D.C.

9 5. The requirements of paragraph 51.021D of the Klamath
10 County Land Development Code have been met in that:

11 a. The proposed use is compatible with forest uses.

12 b. The proposed use does not interfere seriously with
13 accepted forestry practices on adjacent lands devoted to
14 forest use.

15 c. The proposed use does not materially alter the
16 stability of the overall land use pattern of the area.

17 d. The proposed use is situated on generally unsuitable
18 land for the production of forest crops and livestock, con-
19 sidering the terrain, adverse soil or land conditions,
20 drainage and flooding, vegetation and the location and
21 size of the tract.

22 e. The proposed use considers forest site productivity
23 and minimizes the loss of productive forest lands.

24 f. The proposed use meets the standard relating to the
25 availability of fire protection set forth in Article 69 of
26 the Klamath County Land Development Code and other rural
27 services, and will not overtax those services.

28 6. The granting of this Conditional Use Permit is subject

1 to the condition that the use of the property shall remain as it
2 was on the date of the hearing herein.

3 FINDINGS OF FACT:

4 The granting of this Conditional Use Permit is based on the
5 following findings of fact:

6 1. The parcel is located in the FR zone and a Conditional
7 Use Permit is needed to allow for a non-forest home site on a
8 parcel of property that the applicant is requesting to be par-
9 tioned. The total acreage of the parcel is 74.64 acres, and
10 the division would be for two parcels, one 32.1 acres and the
11 other 32.54 acres in size. There are already existing home sites
12 on both of the proposed parcels. The home site for which this
13 Conditional Use Permit is for is on the 32.54 acre parcel. Both
14 homes are located on Class VII soils, saving the meadow for
15 agricultural purposes.

16 2. Notice of this hearing was sent to surrounding property
17 owners, to concerned public agencies, and was published in the
18 Herald & News, the Klamath Falls newspaper.

19 3. The property is located in North Poe Valley. The
20 existing home sites are located on the edges of the property on
21 Class VII soils, preserving the better soils of the meadow for
22 agricultural purposes. Since the home sites are already in
23 existence, nothing would interfere with farm practices on ad-
24 joining lands.

25 4. As stated, the home sites are already in existence and
26 the soils on and around the property have no timber productivity
27 rating or Class V at best. There is no identified wildlife
28 habitat, nor is the land used or suitable for the other forest

1 uses identified in Goal 4.

2 5. This site is located just south of the high density deer
3 winter range. However, there would be no significant change due
4 to the fact the home sites are already in existence.

5 6. The proposed Conditional Use Permit would have no affect
6 on air, water or land resource quality.

7 7. There is a medium to low wildfire hazard rating. The
8 property is within Fire District No. 1.

9 8. The property is close to areas for recreation, such as
10 hunting and fishing. Stevenson Park is approximately 6 miles
11 away.

12 9. The property fronts on a paved county road.

13 10. No one testified in opposition to the granting of this
14 Conditional Use Permit and there was no evidence presented that
15 there would be any adverse affects on the appropriate development
16 and use of abutting property owners and the surrounding area.

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

19 That real property described as

20 "Being generally located on North Poe Valley Road,
21 and more particularly described as a Portion of the
22 N $\frac{1}{2}$, SE $\frac{1}{4}$ of Section 22, Township 39, Range 11 $\frac{1}{2}$, Klamath
County, Oregon,"

23 is hereby conditionally granted a Conditional Use Permit in
24 accordance with the terms of the Klamath County Zoning Ordinance
25 No. 45.2, and, henceforth, will be allowed to establish a
26 non-forest home site in the FR zone.

27 Entered at Klamath Falls, Oregon, this 4th day of
28 October, 1985.

KLAMATH COUNTY HEARINGS DIVISION

Jim Spindor

Jim Spindor, Hearings Officer

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of _____ the _____ 8th day
of October A.D., 19 85 at 9:40 o'clock A M., and duly recorded in Vol. M85
of _____ Deeds on Page 16270.

FEE NONE

Evelyn Biehn
By _____

County Clerk

Pat Smith

Return: Commissioner's Journal