

## BEFORE THE HEARINGS OFFICER

## KLAMATH COUNTY, OREGON

In the Matter of Request for )  
Conditional Use Permit 13-86 ) Klamath County Planning  
for Louis Costello ) Findings of Fact and Order

A hearing was held on this matter on March 20, 1986, 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 Richard Fairclo. The Klamath County Planning Department was represented by Kim Lundahl. 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, Letter from Health Department

Klamath County Exhibit C, Assessor's Map

Klamath County Exhibit D, 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

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1 of the proposed use are in conformance with the Klamath County  
2 Comprehensive Plan.  
3  
4 3. The location, size, design and operating characteristics  
5 of the proposed use will be compatible with and will not have a  
6 significant adverse affect on the appropriate development and  
7 use of the abutting property and the surrounding area.

8 4. The granting of this Conditional Use Permit is con-  
9 sistent with the goals of the L.C.D.C.

10 5. The requirements of Section 51.021 of the Land Devel-  
11 opment Code with regard to non-forest uses have been met in that:

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

13 (b) The proposed use does not interfere seriously with  
14 the accepted forestry practices on adjacent lands devoted  
15 to forest use;

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

18 (d) The proposed use is situated on generally un-  
19 suitable land for the production of forest crops and  
20 livestock;

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

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

27 6. This Conditional Use Permit is granted subject to the  
28 following conditions:

(a) The applicant shall obtain written approval from  
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1 the Klamath County Department of Health Services with regard  
2 to septic system and shall provide a copy thereof to the  
3 Planning Department prior to residing on the property.

4 (b) Any mobile home placed on the property shall meet  
5 the standards set by the State of Oregon and Klamath County.

6 FINDINGS OF FACT:

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

9 1. The applicant desires to place a residence on property  
10 which is located at the northeast corner of the Chiloquin-Sprague  
11 River Highway and Chiloquin Ridge Road. The property is in the  
12 Forestry zone, is approximately six acres in size and is  
13 rectangular in shape.

14 2. The property is not suitable for either forestry or  
15 agricultural uses as it is steeply sloped. The timber site  
16 productivity rating is Class IV; soils are SCS Class V.

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

20 4. The proposed use will not interfere with forestry  
21 practices on adjacent lands.

22 5. No one testified in opposition to the granting of this  
23 permit, and no evidence was presented that there would be any  
24 adverse affects to the abutting property or the surrounding area  
25 by the granting of this permit.

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

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That real property described as

"Being generally located on the northeast corner of the Chiloquin-Sprague River Highway and Chiloquin Ridge Road, and more particularly described as a Portion of the NE 1/4, Section 35, Township 34 South, Range 7, Klamath County, Oregon,"

is hereby conditionally granted a Conditional Use Permit in accordance with the terms of the Klamath County Zoning Ordinance No. 45.2, and, henceforth, will be allowed a non-forest homesite in the F (Forestry) zone.

Entered at Klamath Falls, Oregon, this 18<sup>th</sup> Day of April, 1986.

KLAMATH COUNTY HEARINGS DIVISION

Jim Spindor  
Jim Spindor, Hearings Officer

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of \_\_\_\_\_  
of April A.D., 19 86 at 2:07 o'clock P M., and duly recorded in Vol. M86  
of Deeds on Page 6677

FEE None

EVELYN BIEHN  
By Santha A. Ketch County Clerk

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