

BEFORE THE HEARINGS OFFICER

KLAMATH COUNTY, OREGON

In the Matter of Request for)
 Conditional Use Permit 10-86) Klamath County Planning
 for Preston H. Gandy) 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 Bill Kalita. 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, Plot Plan

Klamath County Exhibit C, Assessor's Map

Klamath County Exhibit D, Letter from Health Department

Klamath County Exhibit E, 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.

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

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 abutting property and the surrounding neighborhood.

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
11 Development Code with regard to non-forest uses have been met in
12 that:

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

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

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

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

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

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

28 6. This Conditional Use Permit is granted subject to the

1 following conditions:

2 (a) The sewage disposal system shall be approved by
3 the Klamath County Health Department prior to the use of
4 this property pursuant to this permit.

5 (b) The applicant shall follow the Plot Plan submitted
6 herein as Exhibit "B".

7 FINDINGS OF FACT:

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

10 1. This request is for a Conditional Use Permit for a
11 non-forest home in the Forestry zone. The property in question
12 is approximately 16 miles north of Chiloquin on Highway 97; the
13 property is part of a previously approved Major Partition.

14 2. The property in question is approximately seven acres,
15 being 164 feet by 1,800 feet. The property is rectangular in
16 shape and slopes down from north to south.

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

20 4. The property in question is not adequate for either
21 forestry or agriculture. The proposed use will not interfere
22 with either forestry or agriculture.

23 5. The proposed use will not interfere with forestry
24 practices on adjacent lands.

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

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

3 That real property described as
4 "being generally located 16 miles north of Chiloquin on
5 Highway 97, and more particularly described as Portions
6 of Sections 24 and 25, Township 32 South, Range 7,
7 Klamath County, Oregon,"

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

12 Entered at Klamath Falls, Oregon, this 18th Day of
13 April, 1986.

KLAMATH COUNTY HEARINGS DIVISION

Jim Spindor
Jim Spindor, Hearings Officer

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STATE OF OREGON: COUNTY OF KLAMATH: ss.
Filed for record at request of _____ the 18th day
of April A.D., 19 86 at 3:38 o'clock P M., and duly recorded in Vol. M86
of Deeds on Page 6695
By EVELYN BLEHN County Clerk
Bernetha H. Ketch

FEE None

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