

63481

12013

1 In the Matter of Request for)
 2 Conditional Use Permit No. 29-86)
 3 for Earl Allen, Applicant)

Klamath County Planning
 Findings of Fact and Order

4 A hearing was held on this matter on June 19, 1986, 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 Kim Lundahl. The Hearings Reporter was Janet
 9 Libercajt.

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 a
 14 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, Memo from Environmental Health Dept.

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

22 CONCLUSIONS OF LAW:

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

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

28 3. The location, size, design and operating characteristics

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1 of the proposed use will be compatible with and will not have a
2 significant adverse affect on the appropriate development and
3 use of abutting property and the surrounding neighborhood.

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

6 5. This Conditional Use Permit has been granted subject to
7 the following conditions:

8 CONDITIONS:

9 a. The applicant shall comply with the requirements of the
10 Klamath County Department of Health Services with regard to sewage
11 disposal.

12 b. This use shall be reviewed within one year to assure it
13 has been compatible with the area.

14 c. The applicant shall have water available on the site
15 sufficient to deal with any fire danger.

16 d. The hours of operation shall be limited from 8:00 a.m.
17 to 5:00 p.m. on Monday through Saturday.

18 6. The requirements of Section 51.020(E) with regard to
19 non-forest conditional uses have been met in that: (a) the pro-
20 posed use is compatible with forest uses; (b) the proposed use does
21 not interfere seriously with accepted forestry practices on adja-
22 cent lands devoted to forest use; (c) the proposed use does not
23 materially affect the stability of the overall land use pattern
24 of the area; (d) the proposed use is situated on generally unsuit-
25 able land for the production of forest crops and livestock; (e)
26 the proposed use considers forest site productivity and minimizes
27 the loss of productive forest lands; and (f) the proposed use
28 meets the standard relating to the availability of fire protection

1 as set forth in Article 69 of this Code and other rural services,
2 and will not overtax those services.

3 FINDINGS OF FACT:

4 The requested use has been granted with conditions based on
5 the following findings of fact:

6 1. This request is for a Conditional Use Permit to allow
7 the processing of firewood for sale. The property is located
8 south of Crescent on the west side of Gilchrist Railroad right
9 of way; the property is 26 acres and is rectangular in shape.

10 2. The use of this property for firewood processing imple-
11 ments forest management practices in that controlled cutting of
12 Lodgepole Pine is required for pine beetle control.

13 3. The use of the property as a firewood processing yard
14 does not irretrievably commit the property to industrial use.

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

18 5. The property is in the Crescent Fire District, which is
19 a high fire hazard area; this District did not respond to this
20 request.

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

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

27 That real property described as

28 "being generally located south of Crescent on the west

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1 side of Gilchrist Railroad right of way, and more parti-
2 cularly described as Tax Lot 1305 in Township 24, Range 8,
3 Section 36, Klamath County, Oregon,"

4 is hereby conditionally granted a Conditional Use Permit in
5 accordance with the terms of the Klamath County Zoning Ordinance
6 No. 45.2, and, henceforth, will be allowed the primary processing
7 of forest products, firewood in the Forestry zone.

8 Entered at Klamath Falls, Oregon, this 8th Day of July,
9 1986.

10 KLAMATH COUNTY HEARINGS DIVISION

11 0285gnd

12 Hearings Officer

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of _____
of July A.D., 19 86 at 9:34 o'clock A M., and duly recorded in Vol. M86 day
of Deeds on Page 12013

FEE No Fee

EVELYN BIEHN
By Shirley A. Deitch County Clerk

Commissioners Journal

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