

In the Matter of the Request)
for a Conditional Use Permit)
for KLAMATH COUNTRY CORNERS)

C.U.P. 23-87
FINDINGS OF FACT, CONCLUSIONS
OF LAW AND ORDER

This matter came before Hearings Officer William M. Ganong on August 6, 1987 in the Klamath County Commissioner's Hearing Room. The Hearing was held pursuant to the Notice given in conformity with the Klamath County Land Development Code and related ordinances. The applicant was represented at the Hearing by Fred Koehler. The Klamath County Planning Department was represented by Mr. Kim Lundahl and the Recording Secretary was Karen Burg. The Klamath County Planning Department file and all contents thereof were incorporated in the record as evidence. The County Hearings Officer, after reviewing the evidence presented, makes the following Findings of Fact, Conclusions of Law and Decision:

FINDINGS OF FACT:

1. The Applicant has requested a Conditional Use Permit to site one nonforest residence on each of two parcels of property which the applicant intends to create by a minor partition. The property is generally located west of State highway 62 and 1/8 mile north of State Highway 97 North in Klamath County, Oregon. It is Klamath County Tax Assessor Account No. 3507-16-1200. The subject property is currently one parcel containing 20 acres. The land is zoned forestry range.

2. The applicant has not used the property for any forest use. The adjoining property to the South is zoned commercial. The land to the West, North and East is zoned for resource uses.

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3. The applicant intends to divide the property into parcels containing approximately 12 acres and 8 acres. Each said lot will have its own domestic water well, septic system and access to State Highway 62. The property is located in the Chiloquin/Agency Lake Rural Fire District.

4. The only agency response was from the Oregon State Highway Division which reported that access permits have not been granted.

5. The Findings of Facts set forth in the Klamath County Planning Department Staff Report are adopted and incorporated herein by this reference.

KLAMATH COUNTY LAND DEVELOPMENT CODE CRITERIA

The criteria for reviewing a Conditional Use Permit for a nonforest use is set out in Klamath County Land Development Code Section 51.021 (D). Code Section 51.021 (F) provides the standards for the siting of nonforest residences in the forest zones.

KLAMATH COUNTY LAND USE GOALS AND POLICIES COMPLIANCE

The Goals and Policy Findings on the Klamath County Planning Department Staff Report are hereby adopted and incorporated herein by this reference.

KLAMATH COUNTY CODE FINDINGS OF FACT AND CONCLUSIONS

Pursuant to the Review Criteria set forth in Klamath County Land Development Code Section 51.021 (D), the following Findings and Conclusions are made:

A. The siting of a one single family residence on each of the two proposed lots is compatible with existing forest uses and

practices. No governmental agency response was received. The nearest commercial Forest use is on adjoining land owned by Jeld-Wen Corporation. That land has been selectively logged. The logging on said land will not adversely effect the residential use of the subject land. Likewise, the residential use of adjoining land will not adversely effect the forestry uses of adjoining land so long as the fire safety provisions of the Land Use Code are strictly followed.

B. Subject to compliance with the conditions set forth hereafter, the siting of one single family residence on each of the two proposed lots will not seriously interfere with accepted forestry practices on adjacent lands devoted to forest use and will not significantly increase the cost of forestry operations on such lands. So long as the subsequent developers of these lots comply with the forest siting criteria contained in the Code and other policies and regulations of local, state and federal governmental agencies, the development of a single family residence on each of the proposed lots will not seriously interfere with accepted forestry practices and operations in this area.

C. The subject property is a buffer between commercial uses and development to the South and resource uses to the North. The division of the parcel into two lots and the construction of one residence on each lot will not materially alter the stability of the overall land use pattern of the area.

D. This parcel of property is generally unsuitable for forest uses. Its relatively small size and location adjoining commercial uses limits its suitability for forest uses.

E. The timber site rating of the subject property is Class V. Subject to compliance with the conditions set forth hereafter, the development of one single family residence on each of the proposed lots will minimize the loss of productive forest land and will limit the area removed from forest use.

F. A condition to the granting of this Conditional Use Permit will be that the future development of the proposed lots, if the applicant's application for a minor partition is granted, must comply with the fire protection requirements of Section 51.021 (F) of the Klamath County Land Development Code. The lots will be served by individual wells and septic systems. They are adjacent to public roads with good access to a major state highway. The development of the lots as proposed will not overtax the necessary rural services required for the proposed use.

ORDER

The subject application for a Conditional Use Permit for the construction of one single family residence on each of two proposed lots on the land described above is granted subject to the following conditions:

1. Approval of a minor partition of the subject property;
2. No dogs shall be permitted to run loose on the subject property or onto adjacent properties or allowed in any way to harass wildlife on the subject property or adjacent land;

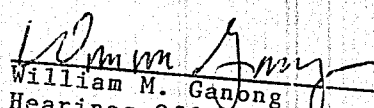
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3. The development of the subject property shall comply with all Klamath County Land Development Code Sections and Criteria including, without limitation, Section 51.021 (F) which sets out residential siting standards for dwellings in the forest range zones;

4. The development of the property shall comply with all the requirements of the Klamath County Department of Health Services, with the Klamath County Building Code and with all other County Ordinances, State and Federal laws and regulations concerning the development and use of the subject property; and

5. The failure of the owner and developer of this property, or any successor in interest, to comply with the conditions set forth above, shall result in a further public hearing by the appropriate review authority and reconsideration of the criteria set forth in the Land Development Code existing at that time. The granting of this Conditional Use Permit is made specifically subject to the right of Klamath County, Oregon to revoke this permit and require the removal of any development on the property in the event any of the criteria set forth above are hereafter violated.

DATED this 19th day of August, 1987.


William M. Ganong
Hearings Officer

Klamath County Land Development Code Section 24.007 provides:

"An Order of the Hearings Officer shall be final unless appealed within ten (10) days of its mailing by a party having standing in accordance with the procedures set forth in Chapter 3, Article 33 of this Code."

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STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County Planning Dept. the 25th day of August A.D. 19 87 at 9:15 o'clock A M., and duly recorded in Vol. M87 of Deeds on Page 15261.

FEE NONE

Return: Commissioners' Journal

Evelyn Biehn, County Clerk
By 