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BEFORE THE HEARINGS OFFICER OF KLAMATH COUNTY, OREGON

In the Matter of the Request)
 for a Conditional Use Permit)
 for FIR E NUFF FARMS, INC.)

C.U.P. 32-87
 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. Fir E Nuff Farms, Inc. was represented at the Hearing by its president, Don Lyon. 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 a parcel of property approximately 26 acres in size. The property is generally located near Plum Valley and along Old Fort Road in Klamath County, Oregon. It is Klamath County Tax Assessor Account No. 3709-33-1700. The subject property is currently part of a larger parcel containing about 500 acres. The land is zoned Forestry - Range.
2. The applicant has conducted some thinning and logging

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operations on the property in the past. The subject parcel contains some commercial timber and there are substantial stands of commercial timber on the larger parcel.

3. The land to the East of the subject property is owned by Weyerhaeuser Timber Company. The land to the South is owned by the Budden family and is used for agricultural and forestry uses. There are smaller ownerships, 25 - 40 acres in size to the North of the subject property.

4. The property adjoins Old Fort Road and it has a timber site Productivity Rating of class V. The property is fully stocked with Ponderosa Pine trees.

5. The Hearings Officer viewed the subject property with Planning Department Staff member Kim Lundahl.

6. The Old Fort Road - Plum Valley area is frequented by deer and the Budden property is used as a hunting club.

7. The factual findings of the Klamath County Planning Department Staff Report are hereby 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 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 current forest uses of the subject property include the harvesting of commercial Ponderosa Pine trees and wildlife habitat. The Board of Commissioners of Klamath County have previously found that the residential use of forest land generally conflicts with forest uses. The potential for wildfire, the effect of domestic dogs on wildlife habitat and other conflicts are identified in the County's Land Use Plan and Policies. There is no evidence in the record to support a finding that the proposed use of this property is compatible with the existing forest uses.

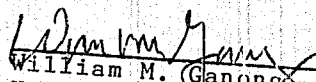
B. The subject property is in forest site productivity class V. The subject property contains better stands of commercial timber than most class V sites that the Hearings Officer has viewed. The applicant's representative testified that the subject property has some timber value. The Old Fort Road has partially isolated the corner of the applicant's property from the remainder of its property. However, the subject parcel abuts a large tract of land owned by Weyehauser Timber Company. There is no evidence in the record which demonstrates that this parcel is generally unsuitable for the production of forest crops or that the nonforest residential use of this property will minimize the loss of productive forest lands.

ORDER

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The subject property is "forest land" which is being used for "forest uses," as those terms are defined in the Klamath County Comprehensive Plan. The findings required by Klamath County Land Development Code Section 51.021 (D) (1), (4) and (5) cannot be made. Therefore, the subject application for a Conditional Use Permit to site a nonforest residence on the property described above is denied.

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."

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 15273

FEE NONE
Return: Commissioners' Journal

By Evelyn Biehn County Clerk
