

BEFORE THE BOARD OF COMMISSIONERS
KLAMATH COUNTY, OREGON

80389

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1 IN THE MATTER OF CONDITIONAL USE PERMIT)
2 32-87, FIR E NUFF FARMS, INC., APPEAL)
3 OF DENIAL BY HEARINGS OFFICER)

ORDER NO. 741

4 I. NATURE OF APPLICATION

5 A public hearing on this appeal was held September 22, 1987,
6 before the Klamath County Board of Commissioners. This appeal
7 requested reconsideration of the Hearings Officer order dated
8 August 19, 1987, as follows:

9 "ORDER

10 The subject property is 'forest land' which is
11 being used for 'forest uses,' as those terms are defined
12 in the Klamath County Comprehensive Plan. The findings
13 required by Klamath County Land Development Code Section
14 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."

15 This appeal was considered pursuant to Article 33 of the Land
16 Development Code.

17 II. NAMES OF THOSE INVOLVED

18 The appellant, Fir E Nuff Farms, Inc., was represented by
19 Jack Mace. The Planning Department was represented by Kim Lundahl,
20 Senior Planner. Karen Burg was the recording secretary. Michael
21 Spencer, County Legal Counsel, was also present.

22 III. LEGAL DESCRIPTION

23 The property is generally located near Plum Valley and along
24 Old Fort Road in Klamath County, Oregon. It is Klamath County
25 Tax Account 3709-33-1700. The subject 26-acre property is cur-
26 rently part of a larger parcel containing about 500 acres.

27 IV. FINDINGS

28 The Board of Commissioners has reviewed the transcript of

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1 the August 6, 1987 Hearings Officer hearing, heard argument pre-
 2 sented by persons present, and reviewed the information in the
 3 Planning Department file.

4 Based on the above, the Board found the findings required by
 5 Klamath County Land Development Code Section 51.021(D)(1), (4) and
 6 (5) could be made in that:

7 1. The use is compatible with forest uses.

8 4. The proposed use is situated on land generally unsuitable
 9 for the production of forest crops.

10 5. The use does consider forest site productivity and mini-
 11 mizes the loss of productive forest lands.

12 V. ORDER

13 Therefore, the Board of Commissioners hereby orders Condi-
 14 tional Use Permit 32-87 for a non forest residence (LDC Section
 15 51.021(C)(13)) is approved conditioned upon the filing of a parti-
 16 tion establishing the 26-acre parcel as a separate parcel.

17 Dated this 7th Day of October, 1987.

18 BOARD OF COUNTY COMMISSIONERS

19 Jim Rogers
 20 Jim Rogers, Chairman of the Board

21 Roger Hamilton
 22 Roger Hamilton, Commissioner

23 Ted Lindow
 24 Ted Lindow, Commissioner

25 Approved as to Form and Content:

26 Michael Spencer
 27 Michael Spencer, County Legal Counsel

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STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County Planning Department the 12th day
 of October A.D., 19 87 at 4:33 o'clock P M., and duly recorded in Vol. M87,
 of Deeds on Page 18541.

Evelyn Biehn, County Clerk
 By Pat Smith

FEE NONE

Return: Commissioners' Journal