

## BEFORE THE HEARINGS OFFICER OF KLAMATH COUNTY, OREGON

In the Matter of the Request )  
 for a Conditional Use Permit )  
 for JON GARLINGHOUSE. )

C.U.P. 45-87  
 FINDINGS OF FACT, CONCLUSIONS  
 OF LAW AND ORDER

This matter came before Hearings Officer William M. Ganong on November 19, 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. Jon Garlinghouse, the Applicant, was present and represented himself at the Hearing and the Klamath County Planning Department was represented by Mr. J. 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. This application is for a Conditional Use Permit to construct a non-forest residence on land zoned Forestry.
2. The subject parcel is located on Crescent Creek in northern Klamath County and is Klamath County Assessor's tax lot No. 2407-18D-5000. It contains approximately 16.8 acres.
3. The subject property is sparsely timbered with small diameter Lodge Pole Pine. The trees growing on the land appear to have no or little commercial value.

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4. The subject parcel is located in an area developed generally for recreational purposes. The property borders the Crescent Pines Subdivision.

5. There do not appear to be any commercial forestry practices on adjacent land. There is some wildlife habitat and use of the subject property which will not be adversely effected by the subject application so long as the Applicant complies with the conditions set forth below.

#### KLAMATH COUNTY LAND DEVELOPMENT CODE CRITERIA

Code Section 51.020 sets forth the permitted and conditional uses allowed in the Forestry Zone. Paragraph D of that section allows a single family residence not used in conjunction with forest uses. Paragraph E of that section sets forth the conditional use permit criteria which must be addressed in reviewing an application for a Conditional Use Permit in the Forestry Zone.

#### KLAMATH COUNTY LAND USE GOALS AND POLICIES COMPLIANCE

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

#### KLAMATH COUNTY CODE FINDINGS OF FACT AND CONCLUSIONS

Klamath County Land Development Code Section 51.020 (E) requires the following Findings and Conclusions.

1. If the Applicant sites the proposed dwelling as shown on the plot plan, Exhibit B, and does not allow any dogs to run loose

on the property or roam from the property, the subject request will be compatible with forest uses.

2. So long as the applicant complies with the requirements of the County Land Development Code and the conditions set forth herein, the construction of a non-forest dwelling will not seriously interfere with accepted forestry practices on adjacent lands.

3. The subject request is consistent with the overall land use pattern in the area.

4. The subject property is generally unsuitable for forestry and livestock uses because of its size, soil condition and the development of the adjacent land.

5. The forest site rating is low and the lack of commercial timber on the property indicates that the proposed use of the property will minimize the loss of productive forest land.

6. The property is in the Walker Range Patrol District and meet's the standards of Code Article 69.

#### ORDER

The subject application for a Conditional Use Permit to construct a non-forest residence is granted subject to strict compliance with the following conditions:

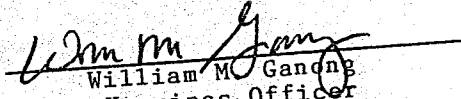
1. The Applicant shall maintain fire prevention measures as required by Klamath County Codes, regulations and rules and as required by Walker Range Patrol and/or the State Department of Forestry.

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2. Dogs shall not be allowed to run loose on the property or to roam from the property onto adjacent property. The deer or other wildlife using the property shall not be unnecessarily harassed.

3. The Applicant shall comply at all time with all Klamath County Ordinances, Codes, regulations and rules and State Laws.

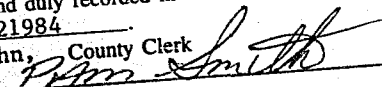
DATED this 2nd day of December, 1987.

  
William M. Gandy  
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 Department the 8th day  
of December A.D., 19 87 at 9:26 o'clock A M., and duly recorded in Vol. M87  
of Deeds on Page 21984  
By Evelyn Biehn County Clerk  


FEE

NONE

Return: Commissioners' Journal