

BEFORE THE HEARINGS OFFICER OF KLAMATH COUNTY, OREGON

In the Matter of the Request for)
a Conditional Use Permit for)
FLOYD BURKS.)

C.U.P. NO. 3-88
FINDINGS OF FACT, CONCLUSIONS
OF LAW AND DECISION

This matter came before William M. Ganong, the Hearings Officer of Klamath County, Oregon, on March 3, 1988 in the Klamath County Commissioner's Hearing Room. The Hearing was held pursuant to Notice given in conformity with the Klamath County Land Development Code and related ordinances. Floyd Burks was present and represented himself. The Klamath County Planning Department was represented by 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 Order:

FINDINGS OF FACT:

1. This application is for a Conditional Use Permit to construct three non-forest dwellings on 20 acres zoned Forestry. The subject parcel is located on the Little Deschutes River in northern Klamath County and is Klamath County Assessor's tax lot No. 2408-36A-400. This application is made in conjunction with a request for a Partition. The Applicant intends to partition the 20 acre parcel of property into three parcels. Potentially, one residence would be located on each parcel.

2. The subject parcel contains few trees and is not used for any Forest purpose. The property is used periodically as pasture and that use can continue.

3. There are no forestry practices or uses on adjacent lands. This is an area that is generally being developed for residential-recreational purposes. Five or six houses are visible from the subject property.

4. The findings of fact contained in the staff report are incorporated herein by this reference.

KLAMATH COUNTY LAND DEVELOPMENT CODE CRITERIA

Code Section 51.020 sets forth the permitted and conditional uses allowed in the Forestry Zone. Paragraph E of that section allows a single family residence not used in conjunction with forest uses and 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. The subject request is compatible with currently employed forest uses, as there are no forest uses on the subject parcel or adjoining land.

2. The subject use will not interfere with any forestry or other forest uses on adjoining land so long as the restrictions requested by the Oregon Department of Fish and Wildlife are included as conditions of the permit.

3. The subject use will not materially alter the stability of the overall land use pattern in the area. The subject use is consistent with the use and development of the area.
 4. Considering the size of the subject parcel, its proximity to the Little Deschutes River and its SCS Classification, the subject parcel is generally unsuitable for the production of forest crops or livestock. The subject parcel is pastured occasionally and that use will not be disturbed.
 5. The forest site rating for this property is V and it has few trees. The subject use of this land minimizes the loss of productive forest land.
 6. The subject property is located in Walker Range Patrol District and meets the requirements of Code Article 69.
- ORDER

The subject application to permit the construction of three single family residences, not in conjunction with forest use, is granted, subject to the following conditons:

1. If requested by the ODFW to do so, the Applicant and his successors in interest shall construct along the river a stock proof fence, designed to allow wildlife movement, to protect the riparian vegetation.
2. The Applicant shall not allow any dogs to roam free outside the property boundaries or to harass deer or other wildlife.

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3. The Applicant and his successors in interest shall comply with all Klamath County Ordinances, regulations and rules.
DATED this 23rd day of March, 1988.

William M. Gahong
William M. Gahong
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 the Code."

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County Planning Department the 24th day
of March A.D., 19 88 at 12:54 o'clock P. M., and duly recorded in Vol. M88
of Deeds on Page 4111

FEE

NONE

Return: Commissioners' Journal

Evelyn Biehn, County Clerk
By Pat Smith