

BEFORE THE HEARINGS OFFICER OF KLAMATH COUNTY, OREGON

In the Matter of the Request for)	C.U.P. NO. 15-88
a Conditional Use Permit for)	FINDINGS OF FACT, CONCLUSIONS
GARRY M. FREITAG.)	OF LAW AND DECISION

This matter came before William M. Ganong, the Hearings Officer of Klamath County, Oregon, on June 2, 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. Garry M. Freitag 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 a non-forest dwelling on 3.6 acres zoned Forestry Range. The subject parcel is located on the Dairy-Bonanza Highway, one mile west of Bonanza and is Klamath County Assessor's tax lot No. 3911-08-100. This application is made in conjunction with a request for a Partition. The Applicant intends to partition a 3.6 acre parcel of property from a parcel containing 11.9 acres.
2. The subject parcel contains no trees and is not used for any Forest purpose. The property is used as pasture and that use will continue.
3. There are no forestry practices or uses on adjacent lands.

KLAMATH COUNTY LAND DEVELOPMENT CODE CRITERIA

Code Section 51.021 sets forth the permitted and conditional uses allowed in the Forestry Range Zone. Paragraph D of that section allows a single family residence not used in conjunction with forest uses and sets forth the

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conditional use permit criteria which must be addressed in reviewing an application for a Conditional Use Permit in the Forestry Range 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

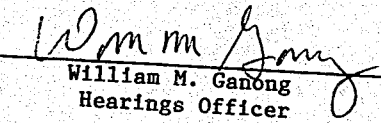
Klamath County Land Development Code Section 51.020 (E) requires the following Findings and Conclusions.

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.
3. The subject use will not materially alter the stability of the overall land use pattern in the area.
4. Considering the size of the subject parcel and its physical separation from the Applicant's other land, 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. This property has no forest site rating, and it has no trees. The subject use of this land minimizes the loss of productive forest land.
6. The subject property is located in the Bonanza Rural Fire District and meets the requirements of Code Article 69.

ORDER

The subject application for a Conditional Use Permit to construct a single family residence, not in conjunction with forest use, is granted subject to approval of a Partition legally establishing the subject parcel.

DATED this 22nd day of June, 1988.


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 the Code."

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County the 27 day
of June A.D., 19 88 at 9:07 o'clock A.M., and duly recorded in Vol. M88
of Deeds on Page 9963

FEE None

Evelyn Biehn County Clerk

By 