

BEFORE THE HEARINGS OFFICER OF KLAMATH COUNTY, OREGON

In the Matter of the Request)	C.U.P. 29-88
for a Conditional Use Permit)	FINDINGS OF FACT, CONCLUSIONS
for ROBERT WAMPLER and)	OF LAW AND ORDER
LORI WAMPLER.)	

This matter came before Hearings Officer William M. Ganong on September 1, 1988 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. Robert Wampler and Lori Wampler were present at the hearing and represented themselves. 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. The Applicants have applied for a Conditional Use Permit to locate a mobile home not in conjunction with forest use on a parcel of property which is approximately 19.06 acres in size. The property is located east of the Chiloquin-Pine Ridge Road, northeast of Chiloquin, Oregon and is Klamath County Tax Assessor Lot 3407-26-700.

2. The Findings of Fact set forth in the Klamath County Planning Department Staff Report are incorporated herein by this reference. The subject property containing SCS Class VI soils and has a timber class site rating of V. The observation of the Hearings Officer is that the area where the mobile home will be located is gently sloping toward the road with scattered pine trees. The site of the proposed residence is marginal forest land.

'88 SEP 22 PM 2 55

5. The property has good access and the site will be served by an individual well and septic system. No testimony in opposition to the request was received from any public agencies or private persons.

6. There is no other commercial forest enterprise or activity being conducted in the general area.

KLAMATH COUNTY LAND DEVELOPMENT CODE CRITERIA

Land Development Code Section 51.020 (D)(4) provides that a mobile home residence not in conjunction with forest use may be granted in the F-Forestry zone when located on nonresource land. Section 51.021 (E) sets forth the criteria which the review authority must address when considering a Conditional Use Permit for a nonforest use.

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

The Hearings Officer makes the following Findings and Conclusions pursuant to the review criteria for locating a non-forest residence not in conjunction with forest use in the Forestry Zone:

1. The siting of the mobile home is compatible with forest uses. The primary forest uses in the general area are marginal use for forest practices. There is no reason to believe that the siting of the subject mobile home will be incompatible with any nearby forest use so long as the Applicant complies with the conditions set forth hereinafter.

2. The placing of the mobile home residence on the subject property will not interfere with accepted forestry practices on adjacent lands devoted to forest use.

3. The locating of a mobile home residence on the subject property will not materially alter the stability of the overall land use patterns in the area. The area surrounding the subject property has been developed as small rural residential lots. The subject parcel is not large enough to have any viable Forestry use.

4. The mobile home will be placed on land which is generally unsuitable for the production of forest crops and livestock. The proposed site of the mobile home is gently sloping and contains some scattered pine trees.

5. The subject property contains a timber class rating of V. However, timber class ratings are applied to general areas and are not very site specific.

6. The subject property is served by the Chiloquin/Agency Lake Fire Protection District. The subject property has good access via Chiloquin-Pine Ridge Road. The proposed use will be served by an individual well and septic system as long as the Applicant complies with the fire protection requirements of the code and requirements for rural services provided by the Code.

ORDER

The request for a Conditional Use Permit to place a mobile home residence not in conjunction with forest use on the above described property is hereby granted subject to the following conditions:

1. The Applicant shall comply at all times with the setbacks for fire safety and other siting standards set forth in the Land Development Code Section 51.021 (G).

2. The Applicant shall comply with all requirements of the Klamath County Department of Health Services concerning the installation of the septic system to serve the subject property.

3. The Applicants shall comply with all other Land Development Code requirements, Building Code requirements, and other County Ordinances and State laws concerning the development and use of the subject property.

DATED this 20th day of September, 1988.

William M. Ganong
 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
 of Sept. A.D., 19 88 at 2:55 o'clock P.M., and duly recorded in Vol. M88
 of Deeds on Page 15724
 FEE none
 Return: Commissioners Journal
 By Evelyn Biehn County Clerk
Gauline Mickelthorpe