

BEFORE THE HEARINGS OFFICER OF KLAMATH COUNTY, OREGON

In the Matter of the Request)	C.U.P. 37-88
for a Conditional Use Permit)	FINDINGS OF FACT, CONCLUSIONS
for KARL MARTIN and BETTY LOU)	OF LAW AND ORDER
MARTIN.	)

This matter came before Hearings Officer William M. Ganong on November 3, 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. Karl and Betty Lou Martin were present at the hearing and represented themselves. The Klamath County Planning Department was represented by Mr. 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 Applicant has applied for a Conditional Use Permit to construct a residence not in conjunction with forest use on a parcel of property which is approximately 7.57 acres in size. The property is located west of the Klamath-Northern tracts and south of the Crescent Lake Cutoff in Klamath County, Oregon and is Klamath County Tax Assessor Lot 2408-0000-1000.
2. The Findings of Fact set forth in the Klamath County Planning Department Staff Report are incorporated herein by this reference. The subject property contains SCS Class VI soils and has a timber class site rating of V. In addition, there are a few pine trees located in the area. The area has suffered from a Pine Beetle attack and most useable timber in the area is being chipped.

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3. Access to the site will be provided by a license over the Klamath-Northern service road 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. The subject site is not located in any winter deer range or within the eagle roost, buffer or flyway areas.

4. The Gilchrist Timber Company owns several large parcels of property in the general area. The Applicants discussed this application with a Timber Company official who had no objection to the application.

5. The subject property is zoned F-Foresty.

KLAMATH COUNTY LAND DEVELOPMENT CODE CRITERIA

Land Development Code Section 51.020 provides that a single family residence not in conjunction with forest use may be granted in the F zone when located on nonresource land. Section 51.020 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 siting a single family residence not in conjunction with forest use in the F zone:

1. The siting of the home is compatible with forest uses. The primary forest uses in the general area are the privately owned tree plantations of Gilchrist Timber Company. However, the subject property is physically separated from nearby large parcels by the railroad tracks and right of way. This area has been devastated by the Pine Beetle infestation which is killing most pine trees in the area. There is no reason to believe that the siting of the subject home will be incompatible with any nearby forest use so long as the Applicant complies with the conditions set forth hereinafter.

2. The construction of a single family residence on the subject property will not interfere with accepted forestry practices on adjacent lands devoted to forest use. As stated above, the only forestry practice being conducted on any adjacent lands are the chipping-salvage operations on the Gilchrist Timber Company lands. It will be many years before commercially productive forests are re-established in this area. The subject parcel is too small to be commercially managed. The siting of this residence will not interfere in any manner with attempts to establish a commercial forest on the Gilchrist land so long as the Applicant complies with the conditions set forth hereinafter.

3. The construction of a single family residence on the subject property will not materially alter the stability of the overall land use patterns in the area. The land use patterns in the area consist of mixed large and small lot ownerships. The small lot ownerships have been developed for residential and recreational use. The establishment of a single family residence on the subject 7.57 acre parcel will not interfere with any adjacent forestry uses nor will it alter the established land use patterns of the area.

4. The house will be constructed on land which is generally unsuitable for the production of forest crops and livestock. The proposed site of the

home contains scattered beetle-killed trees. The subject property due to its size and location is unsuitable for the production of forest crops or livestock.

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. In the present case, because of the size and location of the site of the proposed home and the lack of any productive forest in the general area, the Hearings Officer finds that the construction of a single family residence at the site proposed by the Applicant will not result in the loss of any productive forest land.

6. The subject property is served by the Crescent Fire District. The subject property has access via privately owned road which leads to the subject property. The proposed use will be adequately 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

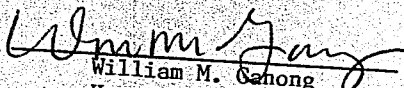
The request for a Conditional Use Permit to site a single family residence not in conjunction with forest use on the above described property is hereby granted subject to the following conditions:

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 51.020 (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.

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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 30th day of November, 1988.


William M. Cahong
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 Dec. A.D., 19 88 at 9:42 o'clock A.M., and duly recorded in Vol. M88
of Deeds on Page 20740

FEE none

Return: Commissioners Journal

Evelyn Biehn

County Clerk

By Pauline Mullendore