

BEFORE THE HEARINGS OFFICER OF KLAMATH COUNTY, OREGON

In the Matter of the Request)
 for a Conditional Use Permit)
 for JOHN M. SCHOONOVER.)

C.U.P. 39-88-10
 FINDINGS OF FACT, CONCLUSIONS
 OF LAW AND ORDER

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. John M. Schoonover was present at the hearing 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 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 4.86 acres in size. The property is located north of Highway 58 and west of the Little Deschutes River in Northern Klamath County, Oregon and is Klamath County Tax Assessor Lot 2508-500-1100.

2. The subject parcel is one of 16 similarly situated lots located in Tract 1214, a platted subdivision. Said Plat was approved by Klamath County in 1981 as a recreational-residential subdivision. In order to obtain acknowledgement of its Comprehensive Land Use Plan, said subdivision was rezoned Forestry. Said zone has no minimum lot size requirement.

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3. The subject property is in the Walker Range Patrol Fire District. Each lot will be served by an individual well and septic system. Preliminary approval for septic systems has been granted by the D.E.Q.
4. The subject property lies adjacent to several similar developments. Its Southeast corner adjoins a plat containing 32-five acre lots; a second group of 32-five acre lots is located one-quarter mile to the east and another group of five acre lots adjoins the north boundary of the subject property.
5. The Applicant purchased the subject property from Pope & Talbot, a forest products company which sold the land because the land was not suitable for commercial timber production.
6. Both Gilchrist Timber Company and the U.S. Forest Service have nearby land holdings, however, there are no commercial timber operations in that area. Gilchrist Timber Company clear cut its land to harvest and eliminated trees which were killed or damaged by the ongoing Pine Beetle infestation. The subject property suffers from the same problem.
7. The subject property has a Timber site productivity rating of VI. The Applicant testified that each five acre parcel will produce about two cords of wood per year, which said production is not adequate for commercial use.
8. The subject property is served by a fully improved public road which also serves some of the other nearby areas.
9. There was no agency comment to the subject request.

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 wildlife uses of the general area.

However, the subject property is not within any Wildlife Range. There is no reason to believe that the siting of the proposed 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 salvage and cleanup operations on the Gilchrist Timber Company Lands. The siting of this residence will not interfere in any manner with the use of the adjacent Forest 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 large block holdings and numerous five acre recreational lots. The establishment of a single family

residence on the subject 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 subject property was sold by Pope & Talbot because it is not commercially viable forest land. The property has limited timber production.

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, the evidence demonstrates that there are no productive forests in the general area. 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 Walker Range Patrol District. The subject property has good access. 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

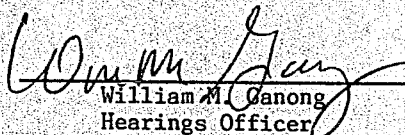
The request for a Conditional Use Permit to site a single family residence not in conjunction with forest use on the above described property is hereby granted subject to the following conditions:

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 (C).

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 Applicant 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. 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 7th day
of Dec. A.D. 19 88 at 9:43 o'clock A.M., and duly recorded in Vol. M88
of Deeds on Page 20799.

FEE none

Evelyn Biehn County Clerk

By Caroline Mischeladore

Return: Commissioners Journal