

BEFORE THE HEARINGS OFFICER OF KLAMATH COUNTY, OREGON

In the matter of the request for a)	
Conditional Use Permit for)	CONDITIONAL USE PERMIT
D. M. GIAMBERSIO)	NO. 42-93
)	
)	
)	

This matter came before Michael L. Brant, Hearings Officer for Klamath County, Oregon, on July 23, 1993, in the Klamath County Commissioners' Hearing Room in Klamath Falls, Oregon. The hearing was held pursuant to notice given in conformity with the Klamath County Land Development Code and related statutes and ordinances. The Klamath County Planning Department was represented by Mr. Kim Lundahl and the recording secretary was Ms. Karen Berg. The Klamath County Planning Department file and all the exhibits and other contents therein is incorporated by this reference into this matter. The applicant, Mr. Giambersio, was present and testified. Ms. Beth Waterbury of the Oregon Department of Fish and Wildlife testified in opposition to the application. The hearings officer reviewed the letters from Weyerhaeuser Company, the Oregon Department of Forestry, and the Oregon Department of Fish and Wildlife in opposition to the application.

FINDINGS OF FACT

1. The applicant is requesting a conditional use permit for the purpose of establishing a non-forest home on a 20-acre parcel of land ten miles south of milepost 32 on Greensprings near the California/Oregon state line. The property is situated in the south half NW 1/4 SW 1/4, Section 10, Township 41 South, Range 5 East, Willamette Meridian, and is designated as Tax Lot No.

01500. The property is accessed from Greensprings by way of a Weyerhaeuser network road. The subject property is within the forestry zone. The proposed use is authorized as a conditional use pursuant to Article 55, and Article 55.080 sets out the requirements for establishing homes not in conjunction with forest uses. Access to the property requires an annual permit from Weyerhaeuser Company.

2. An applicant for a non-forest dwelling must provide documentation showing the proposed use will not interfere with forestry operations in the area and that the use meets all the review criteria as required by Article 55.080.

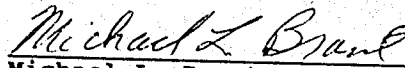
CONCLUSION

The applicant has failed to establish that the parcel and proposed use meet the requirements of Section 55.080 of the Klamath County Comprehensive Land Use Plan. The proposed use on the proposed site would be inconsistent with goal 5 of the Klamath County Comprehensive Land Use Plan.

ORDER

Based upon the findings and conclusions herein, the conditional use application is denied.

DATED THIS 23rd day of July, 1993.



Michael L. Brant
Hearings Officer

18688-A

NOTICE OF APPEAL RIGHTS

You are hereby notified that this decision may be appealed to the Klamath County Board of Commissioners by filing with the Planning Department a notice of appeal as set out in Article 33 of the Code, together with the required fee, seven (7) days of the date of mailing of this decision. Appeals must be received by the Planning Department no later than 5 p.m. on the seventh day or next business day if the seventh day falls on a weekend or holiday. Failure to file a notice of appeal within the time provided will result in the loss of your right to appeal this decision.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County
of July A.D., 19 93 at 3:16 o'clock P.M., and duly recorded in Vol. M93
of Deeds on Page 18687

FEE none

Evelyn Biehn
By Doreen Mullen County Clerk

Return: Commissioners Journal