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BEFORE THE HEARINGS OFFICER OF KLAMATH COUNTY, OREGON

In the matter of the request for)
TOM and BETH STOUT) CONDITIONAL USE PERMIT
NO. CUP 72-94

This matter came before Michael L. Brant, Hearings officer for Klamath County, Oregon, on July 8, 1994, in the Klamath County Museum Meeting Room in Klamath Falls, Oregon. 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 Hearing was held pursuant to notice given in conformity with the Klamath County Land Development Code and related Statutes and Ordinances. The applicants were present and testified.

The report prepared by staff was read and the contents thereof were received in evidence. Additional exhibits were received from the applicants and testimony and exhibits were received from opponents. Based upon the evaluation of the testimony and consideration of the evidence received, the Hearings Officer makes the following FINDINGS OF FACT AND CONCLUSIONS OF LAW and makes the following decision.

FINDINGS OF FACT:

1. The Applicant is requesting a Conditional Use Permit to establish a recreational vehicle park on a "not intensively developed" six acre site zoned FORESTRY.
2. The subject property is located on the south side of Highway 140 west, east of the Pyramid Motel, 3/4 mile west of the

Odessa Mercantile in the Rocky Point area. The property is legally described as portions of the NE 1/4 NE 1/4 S 15, T 36 S, R 6 EWM, T.A. 3606-15-201. Access is directly from Highway 140.

3. Water will be supplied from a well on the property and a septic system is to be installed. Power will be supplied by Pacific Power & Light Company. The property is situated within the Harriman Rural Fire District.

4. Authority for the proposed Conditional Use Permit is found in Article 55, section 55.040(D) and section 55.050.

5. To the west of the subject property is the Pyramid Motel and to the east is the Odessa Mercantile.

6. The location, size, design, and operating characteristics of the proposed use will not force a significant change in, or significantly increase the cost of, accepted farm or forestry practices on nearby lands.

7. The proposed use will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel.

8. The proposed use is in conformance with all standards and criteria of Article 57 of the Klamath County Land Development Code.

CONCLUSION

There is no reasonable basis upon which to deny the requested conditional use permit.

ORDER

Based upon the findings and conclusion herein the Conditional Use Permit as requested is granted upon the following conditions:

A. The applicants shall prepare, execute and cause to be recorded in the deed records of Klamath County a written statement which acknowledges the applicants' recognition of the rights of adjacent and nearby land owners to conduct forest operations consistent with the Forest Practices Act and Rules for uses authorized by the Klamath County Land Development Code.

B. The applicants shall comply with all requirements of the Oregon Department of Transportation, the Klamath County Department of Human Services (Public Health Division) and the Klamath County Planning and Building Departments.

DATED this 9th day of July, 1994.

Michael L. Brant

Michael L. Brant
Hearings Officer

KLAMATH COUNTY LAND DEVELOPMENT CODE SECTION 24.060 PROVIDES:

"An Order of the Hearings Officer may be appealed to the Board of County Commissioners within seven (7) days of its mailing as set forth in Article 33."

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County the 12th day
of July A.D., 19 94 at 10:08 o'clock A.M., and duly recorded in Vol. M94
of Deeds on Page 21466

Evelyn Blehn County Clerk

By Orville Millender

FEE none
Commissioners Journal