

BEFORE THE HEARINGS OFFICER OF KLAMATH COUNTY, OREGON

In the matter of the application)
Site Plan Approval) APPLICATION FOR SITE PLAN
) APPROVAL
)
TRAIN MOUNTAIN, INC.)
)
)
)

This matter came before Michael L. Brant, Hearings Officer for Klamath County, Oregon, on November 7, 1994, in the Klamath County Museum Meeting 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 Burg. The Klamath County Planning Department file and all the exhibits and other contents therein is incorporated by this reference into this matter. The applicant was represented by Attorney Michael Spencer.

FINDINGS OF FACT

1. The applicant requests site plan approval to construct an 18,600 square foot accessory building on its property located south of South Chiloquin Road, west of Highway 97. The property is zoned (EFU-CG). The Applicant contends that the establishment of the proposed accessory building is permitted outright because the property is zoned EFU. Article 54.020 describes permitted uses. 54.020 (A) Farm use and 54.020 (B) The propagation or harvesting of forest product are two of the permitted uses. Article 11.030 defines farm use, forest operation and forest use. The applicant did not provide evidence that the applicant is engaging in activities within the definition of farm use, farm operation or

forest use.

CONCLUSION

The applicant must show that it is presently engaged in or is commencing a farm use, forest operation or forest use activity as defined by the Code before the site plan can be approved.

ORDER

1. Based upon the findings and conclusions herein the site plan is denied.

2. The applicant shall have thirty (30) days within which to provide supplemental evidence of the required activities. If supplemental evidence is provided the application will be reconsidered November 18, 1994.

DATED THIS 18th day of October, 1994.

Michael L. Brant

MICHAEL L. BRANT
Hearings Officer

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 the 21st day
of Oct A.D., 19 94 at 10:23 o'clock A M., and duly recorded in Vol. M94
of Deeds on Page 32756

Evelyn Biehn - County Clerk
By Doreen M. Madsen

FEE \$none

Commissioners Journal