

10-17-95A11:25 RCVD

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BEFORE THE HEARINGS OFFICER OF KLAMATH COUNTY, OREGON

In the matter of the request for a conditional use permit by

Conditional Use Permit Case No. CUP 71-95

JOHN T, BRADLEY

This matter came before Michael L. Brant, Hearings Officer for Klamath County, Oregon, on October 6, 1995, 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 Klamath County Planning Department staff report was received. Based upon the evaluation of the staff report and consideration of the evidence received, the hearings officer makes the following findings of fact and conclusions and makes the following decision.

FINDINGS OF FACT

The applicant requests a conditional use permit to establish a harvesting facility for algae per Section 54.030 T, on 4.86 acres zoned EFU-CG. The project location is on the east bank of Klamath Lake, at the south end of the Modoc Point Community and is described as a Portion of Government Lot 30, S 15, T 36S, R 7E. T.A. 3607-A15CD-900. Access is from Modoc Point Road.

The applicant testified in favor of the permit and a neighbor,

Michael Bureau testified in opposition. The applicant has installed a private septic system and will not be using the community sewer system. The harvest operation and related activities will be maintained at the south end of the subject property in order to minimize if not eliminate disturbance of neighbors.

The proposed use meets all of the conditional use criteria and requirements of the Klamath County Land Development Code Articles 54 and 57.

CONCLUSION

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

ORDER

It is hereby ordered that the requested conditional use permit 71-95 is granted upon the condition that the Applicant shall file and record with his deed to the property a written statement which recognizes the rights of adjacent and nearby land owners to conduct farm and forest operations consistent with accepted farming practices and the Forest Practices Act, ORS 30.090 and rules for uses authorized by the Klamath County Land Development Code.

DATED THIS 7th day of October 1995.

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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 17th	
of <u>October</u>	_A.D., 19 <u>95</u> at <u>11:25</u>	o'clock A M., and duly recorded in Vol. M95	day
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