

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 22-96.
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WAYNE C. RONEK

This matter came before Michael L. Brant, Hearings Officer for Klamath County, Oregon, on April 19, 1996, 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 Log Home Fabrication Site on 9.91 acres accessed from Beall Road, North County, and zoned Forestry. The property is located north of Howard Road and west of Beall Road in a portion of S10, T23S, R10EWM, T.A. 2310-10-900.

The applicant testified in favor of the permit.

Written and oral testimony in opposition was received.

The opposition was based upon speculation that if the proposed use is approved there would be an unreasonable increase in traffic and dust on Howard and Beall Roads and that noise from the proposed operation would be detrimental to the peaceful residential nature of the area. Opposition was also based upon a claim that heavy industry should not be allowed and the use is not permitted on less than eighty (80) acres. Opponents testified that there is presently substantial traffic, dust from roads and farming and noise from traffic, neighbors talking and dogs barking.

The applicant testified that traffic would be minimal and mostly limited to Beall Road.

The proposed use is an allowable Conditional Use provided by the Klamath County Land Development Code, Article 55, Section 55.040 A. The proposed use meets the criteria and requirements of Section 55.050 A, B, C, D, E and F.

The eighty (80) acre minimum parcel size restriction applies to creation of new parcels by partitioning. The parcel which is under consideration in this matter was created as a separate parcel prior to the Code provision which established the eighty (80) minimum.

CONCLUSION

There is no legal basis upon which to deny the requested

conditional use permit.

ORDER

It is hereby ordered that the requested conditional use permit 22-96 is granted upon the condition that a Site Plan Review shall be completed and approval received prior to initiation of the use. Dated this 24th day of 1996.

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 26th day
of April A.D., 19 96 at 10:33 o'clock AM. and duly recorded in Vol. M96,
of Deeds on Page 11726.

FEE No Fee

By Bernetha G. Letsch, County Clerk
Bernetha G. Letsch