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NANCY DOUGLAS (appearing through Bill ) ORDER  
Kalita, Wineman Real Estate as )  
Applicant), )

Applicant.

The applicant has applied for a non-farm CUP to allow development of a private park for scale model railroading on 29 acres adjacent to and in conjunction with an existing scale model railroad part (Train Mountain). The applicant has also requested a non-farm home be approved in conjunction with the private park as a necessary accessory use. This request was heard by the Hearings Officer on September 5, 1997, pursuant to ordinances 44 and 45. The request was reviewed for conformity with Land Development Code Article 54.

The Hearings Officer in review of this application was Neal G. Buchanan. The applicant, Bill Kalita, appeared and offered testimony in support of the application. Bob Hayes, potential purchaser of the property, appeared and offered testimony in support of the application. Also testifying was Doug Kirk of the Oregon Department of Transportation. The Planning Department was represented by Carl Shuck, and the recording secretary was Karen Burq.

The property under consideration is generally located west of the South Chiloquin Road, approximately 1/4 mile north of the LDS church, west of Chiloquin, Klamath County, Oregon. The tax account number is 3507-900-101.

The applicant seeks to develop a part for scale model railroading which would be of a private, rather than public, nature on 29 acres. The proposed private park is adjacent to and would be operated in conjunction with Train Mountain, an existing scale model railroad park. The applicant has also requested that in conjunction with this private park for scale model railroading, he be allowed to place a non-farm home as a necessary accessory use.

The parcel is presently zoned EFU-CG. This application is processed in accordance with non-farm criteria as it is less than the 80 acre minimum required by the Code. The property is not under farm use deferral.

5. FINDINGS:

All evidence submitted as the Staff Report and Application (Exhibits A and B) and offered testimony show that the approval criteria as set out in Code Article 54 have been satisfied.

6. ORDER:

Therefore, it is ordered that the request of Nancy Douglas (appearing through applicant Bill Kalita of Winema Real Estate) for CUP 79-97 is approved subject to the following conditions:

1. The applicant shall file a restrictive covenant with the County Clerk prohibiting the permit holder and their successors in interest from filing complaint concerning farm and forest operations consistent with accepted farm practices and the Oregon Forest Practices Act on nearby lands.

2. The applicant must file proof of clearance from the Environmental Health Services Division and Building Department within two years following the date of this Order.

3. This CUP will expire two years from the date below unless utilized or an extension is approved by the Planning Director.

Dated this 15 day of September, 1997.



NEAL G. BUCHANAN  
Hearings Officer

NOTICE OF APPEAL RIGHTS

You are hereby notified that this Order may be appealed to the Klamath County Board of Commissioners by filing with the Klamath County Planning Department a notice of appeal as set out in Section 33.040 of the Klamath County Land Development Code, together with the fee required within seven (7) days of the mailing date of this Order. Failure to file a notice of appeal within the time provided will result in the loss of your right to appeal this decision.

CUP 79-97 - Page 2

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County Hearings Officer the 16th day of Sept. A.D., 19 97 at 9:29 o'clock A. M., and duly recorded in Vol. H97 of Deeds on Page 30277.  
Return: Commissioners Journal

FEE No Fee

By Bernetha G. Leysch, County Clerk  
Kathleen Rosen