

BEFORE THE HEARINGS OFFICER OF KLAMATH COUNTY, OREGON

In the Matter of the Request for a Conditional Use)
Permit by: Bob Daggett for Barker) ORDER
)

1. NATURE OF THE REQUEST

The applicants BOB DAGGETT FOR JOHN BARKER have applied to establish a forest dwelling on 160 acres zoned Forestry/Range. This request was heard by the hearings officer April 3, and continued for more information until April 17, 1998. The request was reviewed for conformance with Klamath County Land Development Code.

2. NAMES OF PARTICIPANTS

The hearings officer reviewing this application is Joan-Marie Michelsen. The applicant appeared and offered testimony. The planning department was represented by Kim Lundahl. The recording secretary Karen Burg.

3. LOCATION OF PROPERTY

North of Ivory Pines Road, four miles NE of Beatty

The access to the property is via a new road/drive which will be constructed off of Sycaan Road utilizing an existing 30 foot easement. Fire protection will be provided by Sprague River VFD. The land is presently semideveloped and is unused for any commercial uses. Sewerage will be provided by a septic system. The soils are mainly class VI. The water will be provided by a well.

4. MATERIALS CONSIDERED

All evidence submitted by the applicant and located in the Staff Report was considered as was the oral testimony given April 3, and 17, 1998.

5. FINDINGS

The Hearings officer FINDS AS FOLLOWS:

- a. The development of this type of structure is not included in the permitted uses for this zoning, however the LDC permits residences subject to certain findings.
- b. The parcel in question was legally created.
- c. The parcel meets the "template" forest dwelling criteria, there are over 7 contiguous parcels and at least 3 residences which existed in 1993.
- d. Approval of the requested structure will not create conditions or circumstances that are contrary to the purposes or intent of county planning laws.
- e. Active resource use has occurred on the subject property or the adjacent properties. The property is large enough for legitimate forestry use, and is viable for agriculture.
- f. Fire protection is provided and the threat to spreading fire to resource productive properties is mitigated.
- g. The use of the land in the area is mixed rural residential and rural commercial.
- h. The location of a residence on the parcel will not destabilize the existing land use pattern of the area.
- i. The proposed structure is located on land that is generally unsuitable for timber or agriculture considering the size of the parcel, the soil, and the present vegetation.

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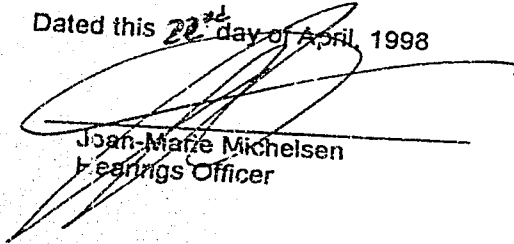
- j. As forest management will continue no loss of productive resource land will result and the commercial forest land base of Klamath County is not compromised by the requested use.
- k. There is no Goal 5 Overlay to the area.
- l. As condition to this approval, a written covenant will be recorded which recognizes the rights of adjacent and nearby land owners and operators to conduct farm and forest operations consistent with currently accepted farming practices and the Forest Practices Act of Oregon.
- m. There is no dwelling presently sited on this parcel.
- n. Road access is sufficient.
- o. This property is not under forest deferral and no stocking requirements need be met.

6. ORDER

Therefore, it is hereby ordered that the applicants request to develop a template forest dwelling is approved subject to the following conditions:

- a. That approval is obtained for on-site sewage disposal and that the applicant provides proof of clearance from the Environmental Health Services Division and Building department within two (2) years following the date of this order, or obtain an extension of time, or this approval will be void.
- b. That the applicant files a restrictive covenant with the county clerk prohibiting the permit grantee and successors in interest from dividing the property or filing any complaint of any type or kind concerning the presently accepted resource management practices and farming uses that may occur on nearby lands devoted to commercial or other resource use.
- c. That the applicant complies fully with fire safety and other siting standards of the Land Use Code as set out in Article 69 of the LDC.
- d. That the applicant receive approval for and develop an on-site well or other source of water consistent with LDC 55.06(C)(4).
- e. That the applicant construct the dwelling within 1,000 feet of the South East Corner of the property as roughly shown on the submitted maps.
- f. That the property not be subdivided and that the current timber conversion and management plan be complied with.

Dated this 22nd day of April, 1998


Joan-Marie Michelsen
Hearings Officer

STATE OF OREGON: COUNTY OF KLAMATH: ss.

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By Bernetha G. Letsch, County Clerk
Kathleen Broad

FEE No Fee