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**FOREST DWELLING - LOT OF RECORD
ADMINISTRATIVE REVIEW/DISPOSITION**APPLICANT: CUP 40-98 - *HORMANN*

HO Hearing: 6-19-98

REQUEST: To establish a "FOREST DWELLING" on 40 acres zoned Forestry Range. The predominant land use is found to be Forestry, hence the provisions of Article 55 apply. This is a **LOT OF RECORD** application. This dwelling will be of conventional construction and will be the only residence on this tract. Property Size is 40 acres.

LOCATION: west side of Buck Mtn., 5.5 miles north of Malin, one mile east of Harpold Rd..

LEGAL DESCRIPTION: por NE ¼ SE ¼ Sec. 19, T 40S R 12E.

ZONE/PLAN: Forestry Range

DEFERRAL: NO

ACCESS: BPA Access Rd. to Buck Mtn..

UTILITIES: WATER: Well FIRE: Malin RFPD

SEWER: Septic ELECTRIC: Pacific Power

NARRATIVE AND RECOMMENDATION: The applicant wishes to establish a FOREST DWELLING. No resource use has been made of the subject property. The property encompasses 40 acres and is found NOT TO BE HIGH VALUE FARMLAND. As the ownership predates January 1, 1985, LOT OF RECORD provisions apply.

DISPOSITION: APPROVAL

Based on the attached findings, the residence applied for is necessary to the primary use of the property, forestry. The applicant supplied information documenting this dwelling can be considered via the LOT OF RECORD criteria. This application and request is found to comply with the review criteria as set forth in the Klamath County Land Development Code Article 55, adopted in response to HB 3661, and conditioned on the following:

1. *Clearances for the dwelling must be obtained within two years of the date below.*
2. Compliance with conditions on attached sheet.

DATED this 9th day of July 1998
Joan-Marie Michelson, Hearings Officer

NOTICE: An Order of the Hearings Officer may be appealed to the Board of County Commissioners within seven days of its execution per the procedures set out in Article 33.

24649

BEFORE THE HEARINGS OFFICER OF KLAMATH COUNTY, OREGON

In the Matter of the application by:
IVAN HORMANN

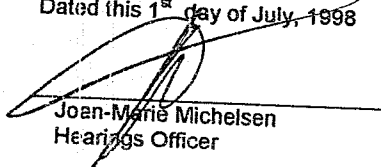
)
) ORDER
) CASE NUMBER 40-98
)

ORDER

Therefore, it is hereby ordered that the applicant's request to establish a Forest Dwelling is approved subject to the following conditions:

- a. That the septic system will be completed, approved and operational by Environmental Health Services Division and Building department.
- b. 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.
- c. That the applicant site the proposed structures within 300 feet of the South property line.
- d. 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.

Dated this 1st day of July, 1998


Joan-Marie Michelsen
Hearings Officer

NOTICE OF APPEAL RIGHTS

Your are hereby notified this application 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 33.004 of the Klamath County Land Development Code together with the fee required within SEVEN DAYS (7) following the mailing date of this order.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County the 10th day
of July A.D., 19 98 at 2:56 o'clock P M., and duly recorded in Vol. M98
of Deeds on Page 24648

FEE None

Bernetha G. Letsch, County Clerk
By 