

## BEFORE THE HEARINGS OFFICER OF KLAMATH COUNTY, OREGON

In the Matter of the Request for a Conditional Use )

Permit by: Craig and Alicia Stephens )

ORDER

CASE NUMBER 55-98

## 1. NATURE OF THE REQUEST

The applicants Craig and Alicia Stephens applied for a permit to build a Campground on 20 acres, Zoned FORESTRY/RANGE. This request was heard by the hearings officer August 7, 1998. The request was reviewed for conformance with Klamath County Land Development Code Article 55.040e.

## 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 was Karen Burg.

## 3. LOCATION OF PROPERTY AND GENERAL DESCRIPTION

The property in question is located about north and east of Klamath Forest Estates south of Cooks Canyon in the Sprague River Area.

The major problem with this site is access. The parties, and others in the area, have started to try to get road locations and easements figured out.

Fire protection will be provided by the Sprague River Volunteer Fire District. The land is presently semideveloped and is generally unused for any commercial uses. Sewerage will be provided by a septic system. 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 August 7, 1998.

## 5. FINDINGS

The Hearings officer FINDS AS FOLLOWS:

- a. The development of this type of development is not included in the permitted uses for this zoning, however the LDC permits campgrounds subject to certain findings.
- b. Approval of the requested use will not create conditions or circumstances that are contrary to the purposes or intent of county planning laws.
- c. Active resource use has NOT occurred on the subject property or the adjacent properties. The property is not large enough for legitimate forestry use, nor is it viable for agriculture.
- d. Fire protection will be provided and the threat to spreading fire to resource productive properties is mitigated.
- e. The use of the land in the area is mixed.
- f. The location of a campground on the parcel will not destabilize the existing land use pattern of the area.
- g. The proposed use is located on land that is generally unsuitable for timber or agriculture and is not high value farm or forest land.

- h. The site is too small and ownership too divided and the stocking too poor for viable forest management activity. No loss of productive resource land will result and the commercial forest land base of Klamath County is not compromised by the requested use.
- i. 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.
- j. 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 campground 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 provide the Klamath County Planning Department with a letter stating that an arrangement has been agreed upon with the Sprague River VFD.
- c. 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.
- d. 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.
- e. That the applicant receive approval for and develop an on-site well or other source of water consistent with LDC 55.06(C)(4).
- f. A site plan, prepared pursuant to article 41, shall be reviewed and approved by the Planning Director prior to any construction.
- g. That the applicants report to the planning department their progress in obtaining the easement for in 4 months and again in 8 months.
- h. That no development of the campground is done until the access and fire protection issues are solved.
- i. The applicant shall have one year to obtain the required easements and provide proof thereof to the county.

Dated this 10<sup>th</sup> day of August, 1998

*Joan Marie Michelsen*  
Hearings Officer

## NOTICE OF APPEAL RIGHTS

You 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.

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STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County the 11th day  
of August A.D., 1998 at 3:58 o'clock P.M., and duly recorded in Vol. M98  
of Deeds on Page 29527.

FEE

No Fee

Return: Commissioners Journal

By

*Bernetha G. Jetch*, County Clerk