

'98 SEP -8 A11:19

## BEFORE THE HEARINGS OFFICER OF KLAMATH COUNTY, OREGON

In the Matter of the Request for a Conditional Use )

Permit by: Winema Real Estate for POTTER )

) ORDER

) CASE NUMBER CUP-73-98

## 1. NATURE OF THE REQUEST

The applicant, has applied for a permit build a FOREST DWELLING on 32.5 acres. The land in question is Zoned FR, the dominant use of Forestry. This request was heard by the hearings officer September 4, 1998. The request was reviewed for conformance with Klamath County Land Development Code Article 55.

## 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 AND OVERVIEW OF PROPERTY

Pors S ¼ SW ¼ sec 5, T 35S R 9E

There is legal and adequate access to the property is via existing roads.  
The property does have fire protection.  
The land is presently undeveloped and unused for any residential uses.  
The soils are mixed.

## 4. MATERIALS CONSIDERED

All evidence submitted by the applicant and located in the Staff Report was considered as was the oral testimony given at the hearing.

## 5. FINDINGS

The Hearings officer FINDS AS FOLLOWS:

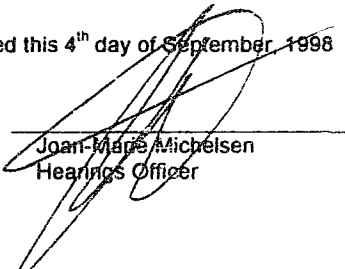
- a. The development of this type of structure is not included in the permitted uses for this zoning but may be approved conditionally under some circumstances.
- b. As this was a LOT OF RECORD application it was therefore reviewed under those provisions.
- c. The parcel in question was legally created, but it was created in 1991 and does NOT qualify as A LOT OF RECORD under LRMP 55.070(B)(1).
- d. The Lot of Record provisions require not only that the land has been owned since before 1985 but that the parcel in question have been created before that date as well. The ownership of this land dates back more than enough, but the parcel is too new.

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## 6. ORDER

Therefore, it is hereby ordered that the applicants request to develop a FOREST DWELLING is denied.

Dated this 4<sup>th</sup> day of September, 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.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County the 8th day  
of Sept A.D., 19 98 at 11:19 o'clock A M., and duly recorded in Vol. M98,  
of Deeds on Page 32990.

Bernetha G. Letsch, County Clerk

FEE none Ret: Commissioners Journal

By Candace M. Mendenhall