

'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:

Shaw for LEWIS.

) ORDER

) CASE NUMBER CUP-64-98

)

1. NATURE OF THE REQUEST

The applicant, has applied for a permit build a FOREST HOME on the 40 acres. The land in question is Zoned F. This request was heard by the hearings officer August 21, 1998. The request was reviewed for conformance with Klamath County Land Development Code Article 54 and 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

¾ mile north of the stateline on a Federal road known as Stipeasy Rd., off of Hwy 97

There is legal and adequate access to the property is via existing roads however, it is only accessible off of a Federal road.

The property does not have fire protection.

The land is presently undeveloped and unused for any commercial uses. The dominant use for the area is forestry.

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 August 21, 1998.

5. FINDINGS

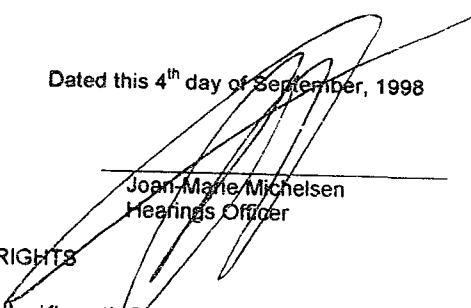
The Hearings officer FINDS AS FOLLOWS:

- a. The development of this type of structure is not included in the permitted uses for this zoning.
- b. As this was a LOT OF RECORD application those provisions were applied.
- c. The parcel in question was legally created and qualifies as A LOT OF RECORD.
- d. Approval of the requested structure will create conditions or circumstances that are contrary to the purposes or intent of county planning laws.
- e. Fire protection is not provided, although this problem could have probably been resolved.
- f. There is no dwelling presently sited on this parcel.
- g. Road access is not sufficient. The LRMP requires that any dwellings be located within 1,500 feet of a public road but Forest Service and BLM roads are specifically excluded from consideration. 55.070(B)(5).

6. ORDER

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

Dated this 4th 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 32998

FEE none Ret: Commissioners Journal

Bernetha G. Letsch, County Clerk

By 