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Vol. <u>M98 Page</u> 43209

BEFORE THE HEARINGS OFFICER OF KLAMATH COUNTY, OREGON

98 NUV 24 P3:49

In the Matter of the Request for a Conditional Use)

Permit by: ODELL BAUGHMAN

ORDER CUP 76-98

1. NATURE OF THE REQUEST

The applicant has applied to establish a forest dwelling on 7.81 acres zoned Forestry. This request was heard by the hearings officer November 20, 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 Lundahi. The recording secretary

3. LOCATION OF PROPERTY

Por. SW 1/2 Sec 18 T 23S R 10E, TA 2310-18C-300

The access to the property is via an existing road and there is legal access. Fire protection will be provided. The land is presently semideveloped and is 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 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, however the LDC permits residences subject to certain findings.
- The parcel in question was legally created. b. Ċ.
- The parcel meets the "template" forest dwalling criteria, there are over 3 contiguous parcels and at least 3 residences encompassed within the 160 acre template 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 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 commercial agriculture.
- Fire protection will be provided and the threat to spreading fire to resource productive properties f. a.
- The use of the land in the surrounding 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 Ŀ
- 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. There is no Goal 5 Overlay to the area. j.
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	1	1	C. 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 faim and formations with currently accepted formations.
			edianation to this approval, a written covenant will be made
a, is			adjacent and nearby land owners and operators to conduct faim and forest operations consistent with currently accepted faming practices and the Forest Practices Act of Operations consistent There is no dwelling presently advecting the standard forest operations consistent
ť.			with currently accepted faming practices and the Forest Practices Act of Oregon. There is no dwelling presently sited on this parcel
4			There is no dwelling presently sited on this parcel. n. Road access is sufficient
		n	h. Road access is substantial sited on this parcel.
÷		ึก	 This property is not under forest deferral and no stocking requirements need be met. The applicant does own three contiguous parcels in this area, one educted be met.
			The applicant door not inder forest deferral and no stocking requirements
			The applicant does own three contiguous parcels in this area, one of which contains a dwelling. The parcel containing the dwelling is currently in the process of being sold.
		μ	The parcel containing the dwelling is currently in the process of being sold.
	1.		a currently in the process of being sold
	6.	0	RDER
		T	herefore, it is hereby ordered that the applicant's request to develop a template forest dwelling is proved subject to the following conditions:
			borous, it is nereby ordered that the applicant's request to de
		ał	proved subject to the following conditions:
		8.	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 dependence proof of (2) years following the date at the
			clearance from the Southerner of on-Site sewage disposal and that the applicant and the
	1		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.
			up yours following the date of this order, or obtain an option and building department within two
			volu.
		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 courties addressed
			and succession in the and the structive covenant with the county clerk problem.
			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
			concerning the presently accepted resource management of any type or kind
			occur on nearby lands devoted to common an agement practices and faming uses that may
			occur on nearby lands devoted to commercial or other resource use.
		C.	I hat the applicant complete the
			as set out in Article on the stally with fire safety and other siting standards and
			as set out in Article 69 of the LDC. And that the applicant provides a letter of agreement from a structural fire protection district stating that fire protection is provided
			structural life protection district stating that fire protection is provides a letter of agreement from a
	1	د.	structural fire protection district stating that fire protection is provided.
	1	a.	1 Dat all required building and the
			(2) years following the data of this each permits or an extension of time he obtained the
			(2) years following the date of this order or this approval will be void.
		P	That NO development or construction begin at this site until the applicant has finished the sale on the contiguous parcel containing a dwelling unit (which is marked on the map or district).
			that NO development or construction begin at this alter with the
			the contiguous parcel containing a dwelling at this site until the applicant has finished the using a
			the contiguous parcel containing a dwelling unit (which is marked on the map as #2700).
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	1	i	are, or will be his remaining two contiguous tots.
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			en en fan de service en
	1 8	i - 2 j	That the above conditions apply to any successors in interest.
			any successors in interest.
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	191		이 같은 것 같은
			Dated this Nevember 28, 1998
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			Jean-Marg Mignelsen
			Hearings Officer
			NOTICE OF APPEAL RIGHTS
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1	Comm	lissi	oners by filling with the Klemeth Grant of appealed to the Klemeth County Board of
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	SEVE	v n	oners by filling with the Klamath County Planning Department a Notice of Appeal as set out in 8.004 of the Klamath County Land Development Code together with the fear required within AYS (7) following the mailing date of this order.
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STATE OF OREGON: COUNTY OF KLAMATH : SS.

Filed	for record at a	quest of Klamath County	
<u> </u>	Novembe	A.D., 19 98 at 3:49 o'clock P. M., and duly recorded in Vol. M98	_ day
		Return: Commissioners Journal on Page 43209	······································
FEE	No Fee	M Demetha G. Leisch County Clark	
		By Rattlyn Roya	