

BEFORE THE HEARINGS OFFICER OF KLAMATH COUNTY, OREGON

In the Matter of the Request for a Conditional Use)

Permit by: BRADSHAW)

ORDER

Case Number 111-98

1. NATURE OF THE REQUEST

The applicant has applied to establish a forest Dwelling (Plum Valley) on 0.94 acres zoned FR. This request was heard by the hearings officer January 8, 1999. 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 Lundahl. The recording secretary was Karen Burg.

3. LOCATION OF PROPERTY

The property in question is located at lot 3 Tract 1310 Plum Valley II.

4. MATERIALS CONSIDERED

All evidence submitted by the applicant and located in the Staff Report was considered as was the oral testimony given January 8, 1999 and the follow up report by staff.

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.
- b. The property falls under the Plum Valley agreement and exceptions and is therefore approveable, where it otherwise probably would not be.

6. ORDER

Therefore, it is hereby ordered that the applicants request to develop a Plum Valley forest dwelling 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 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.
- c. 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.

- d. That the applicant receive approval for and develop an on-site well or other source of water consistent with LDC 55.08(C)(4).
- e. A site plan, prepared pursuant to article 4.1, shall be reviewed and approved by the Planning Director prior to construction.
- f. That all required building and placement permits or an extension of time be obtained within two (2) years following the date of this order or this approval will be void.

Dated this January 25, 1999

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 29th day
of January A.D. 1999 at 2:22 o'clock P. M., and duly recorded in Vol. M99
of Deeds on Page 3506

Return : Commissioners Journal

Linda Smith, County Clerk

FEE No Fee

by Kathleen Ross