

## BEFORE THE HEARINGS OFFICER OF KLAMATH COUNTY, OREGON

In the Matter of the Request for a Conditional Use )

Permit by: BILL KALITA for owner )

ORDER

CUP 13-99

## 1. NATURE OF THE REQUEST

The applicant has applied to establish a forest dwelling on 5.7 acres zoned Forestry. This request was heard by the hearings officer April 16, 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

Por. NE ¼ SE ¼ Sec 4 T 34S R 7E lying East of Hwy 97, TA 3407-4-100

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, the Staff Report and the oral testimony given at the hearing were considered.

## 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 parcel in question was legally created.
- c. The parcel meets the "template" forest dwelling criteria, there are over 11 contiguous parcels and at least 7 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, except the USFS land. The property is not large enough for legitimate forestry use, nor is it viable for commercial agriculture.
- f. Fire protection will be provided and the threat to spreading fire to resource productive properties is mitigated.
- g. 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 area.
- i. 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.