

**FOREST DWELLING - LOT OF RECORD
ADMINISTRATIVE REVIEW/DISPOSITION**APPLICANT: CUP 67-99 *Robert and Lana SHAW*

HO Hearing: 11-5-99

REQUEST: To establish a "FOREST DWELLING" on 3.85 acres zoned Forestry/Range. The predominant land use is found to be Forestry, hence the provisions of Article 55 apply. This is a **LOT OF RECORD** application.

LOCATION: east of Harpold Rd., 2.5 miles south of Schaupp Rd..

LEGAL DESCRIPTION: por SW ¼ SW ¼ Sec. 30, T 40S R 12.

ZONE/PLAN: Forestry Range

DEFERRAL: NO

ACCESS: Harpold Rd..

UTILITIES: WATER: Well FIRE: Malin RFPD

SEWER: Septic ELECTRIC: Pacific Power

NARRATIVE AND RECOMMENDATION: The applicant wishes to establish a FOREST DWELLING. No resource use has been made of the subject property. The property encompasses 7 acres and is found NOT TO BE HIGH VALUE FARMLAND. As the ownership predates January 1, 1985, (1978) LOT OF RECORD provisions apply.

DISPOSITION: APPROVAL

Based on our review, and exhibits a-e, the residence applied for is necessary to the primary use of the property, forestry. The applicant supplied information documenting this dwelling can be considered via the LOT OF RECORD criteria. This application and request is found to comply with the review criteria as set forth in the Klamath County Land Development Code Article 55, adopted in response to HB 3661, and conditioned on the following:

1. Clearances for the dwelling must be obtained within two years of the date below.
2. Other Conditions as attached.

DATED this 21 day of Nov 1999
Joan-Marie Michelsen, Hearings Officer

NOTICE: An Order of the Hearings Officer may be appealed to the Board of County Commissioners within seven days of its execution per the procedures set out in Article 33.

BEFORE THE HEARINGS OFFICER OF KLAMATH COUNTY, OREGON

In the Matter of the application by: Shaw.

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) ORDER

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) CASE NUMBER CUP 67-99

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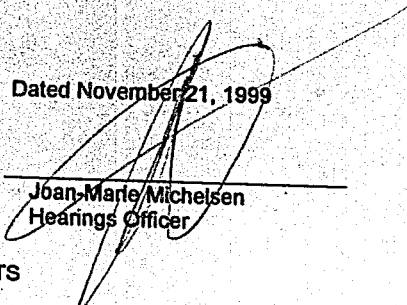
The applicants have requested permission to build one structure on the property but have not requested a zoning change.

ORDER

Therefore, it is hereby ordered that the applicants request to establish a Forest Dwelling is approved subject to the following conditions:

- a. That the septic system will be completed, approved and operational by Environmental Health Services Division and Building department.
- b. 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.
- c. That the applicant site the proposed structure within 100 feet of the Easement.
- d. 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 presently accepted resource management practices and farming uses that may occur on nearby lands devoted to commercial or other resource use.
- e. 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 November 21, 1999


 Joan Marie Michelsen
 Hearings Officer

NOTICE OF APPEAL RIGHTS

Your 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.

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State of Oregon, County of Klamath
 Recorded 11/24/99, at 10:04a.m.
 In Vol. M99 Page 46632
 Linda Smith,
 County Clerk Fee\$ NC