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BEFORE THE KLAMATH COUNTY BOARD OF COMMISSIONERS

IN THE MATTER OF FILE NUMBER TYP II 10-19 (APPEAL)**FINAL ORDER**

WHEREAS, Brook Reinhard, applicant, requested approval of a Type II Review for a Forest Dwelling – Lot of Record to allow a single family dwelling to be constructed on a property zoned Forestry; and

WHEREAS, the subject property is described as Tax Lot 500 in Section 20 of Township 24 South, Range 07 East Willamette Meridian; and

WHEREAS, the applicant submitted said request for the Forest Dwelling – Lot of Record in due form for consideration because the property had been in Ms. Lynes ownership since 1983; and

WHEREAS, Brook Reinhard purchased the subject property from the Diana Lynes prior to the issuance of the approval of the Forest Dwelling Lot of Record; and

WHEREAS, the approval by the Planning Director was appealed to Klamath County Board of Commissioners based on the sale of the property to Mr. Reinhard, the subject property no longer met the criteria for a Forest Dwelling – Lot of Record; and

WHEREAS, Brook Reinhard and Diana Lynes recorded a Warranty Deed for Rescission rescinding the sale of the subject property, and

WHEREAS, the Klamath County Planning Department provided proper notice of a public hearing held on December 17, 2019 before the Klamath County Board of Commissioners; and

WHEREAS, based on the application, with supplementary submittals, and testimony entered and consideration of the whole record, the Klamath County Board of Commissioners found the Warranty Deed for Rescission annulled the sale of the subject property to Mr. Reinhard, and the owner of the property Ms. Lynes had continual ownership of the subject property since 1983.

WHEREAS, based on the finding the Board of County Commissioner upheld the approval of the Type II Review for a Forest Dwelling – Lot of Record.

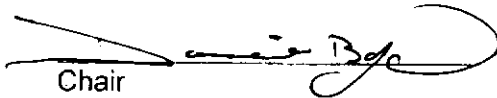
**NOW, THEREFORE, THE KLAMATH COUNTY BOARD OF COMMISSIONERS
ORDER AS FOLLOWS:**

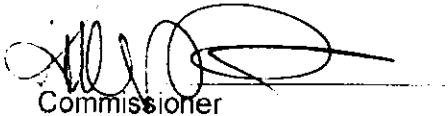
**The Type II Review for a Forest Dwelling – Lot of Record is conditionally
approved with the following conditions:**

- 1. Prior to any construction, Planning must issue a Land Use Compatibility Statement (LUCS) and Building permits must be obtained.*
- 2. Prior to issuance of Planning approval (LUCS) for the dwelling, a well log for an existing well shall be provided to the Planning Dept. or an indication that a cistern will be used.*
- 3. Prior to issuance of Planning approval (LUCS) for the dwelling, an approved septic evaluation must be granted.*
- 4. Prior to issuance of Planning approval (LUCS) for a residence, the property owner shall record an Article 69 restrictive covenant that the site is to be developed pursuant to the Rural/Wildland Fire Safety Standards of Article 69 of the Klamath County Land Development Code, and a copy of the recorded covenant returned to the Planning Division.*
- 5. The property owner is required to record a restrictive covenant with the deed recognizing the rights of adjacent and nearby landowners to conduct farm and forest operations consistent with accepted farm practices and the Oregon Forest Practices Act. The restrictive covenant shall be recorded and runs with the land and a copy returned to the Planning Dept.*
- 6. Show all easements. Create easements for access, utilities, irrigation, drainage, and etc. where needed.*
- 7. The applicant shall ask Central Cascade Fire to be included within the Fire District. If the subject cannot be included within the Fire District, then the standards set forth in Article 69 shall be complied with.*
- 8. The applicant shall maintain a primary and secondary fuel free break on lands surrounding the dwelling.*
- 9. The dwelling shall have a fire retardant roof and install a spark arrest on any chimneys.*


Dated this 31st day of December, 2019


FOR THE BOARD OF COMMISSIONERS


Chair


Commissioner

Out of Office Today


Commissioner


County Counsel
Approved as to form

NOTICE OF APPEAL RIGHTS

This decision may be appealed to the Oregon Land Use Board of Appeals (LUBA) within 21 days following the date of the mailing of this order. Contact LUBA for information as how to file this appeal (LUBA by phone 1-503-373-1265 or mail at 550 Capitol Street NE, Suite 235, Salem, Oregon 97301-2552). Failure to do so in a timely manner may affect your rights.