

BEFORE THE PLANNING COMMISSION
KLAMATH COUNTY, OREGON

IN THE MATTER OF REQUEST FOR
MINOR PARTITION 17-89 FOR
GIENGER ENTERPRISES AND LOCATED
IN THE FORESTRY ZONE

ORDER

1. NATURE OF THE REQUEST

A hearing on this application was held July 25, 1989, pursuant to notice given in conformity with Ordinances 44 and 45.

The request to partition property in the Forestry zone was considered pursuant to Land Development Code Section 51.020

H.

2. NAMES OF THOSE INVOLVED

The applicant was represented by Al Gastaldi, Licensed Land Surveyor. The Planning Department was represented by Kim Lundahl, Senior Planner. The recording secretary was Karen Burg, Administrative Secretary.

3. LEGAL DESCRIPTION

The subject property is located in Township 34 south, Range 7 east. Generally located north of Hwy 422 North, west of Hwy

97. The area within the partition is 937 acres.

4. RELEVANT FACTS

The property is within the Forestry Plan designation with an implementing zone of Forestry. Parcel sizes proposed are 649, 180 and 108 acres, respectively.

5. FINDINGS

All evidence submitted as the staff report, exhibits A-F, and offered testimony show that the approval criteria as set out in the code has been satisfied. The Commission finds this application conforms with the criteria set out in L.D.C. section 51.020 H as follows:

A. The proposed parcels are typical of existing commercial forest enterprises within a two mile radius, because; This property is situated on the southerly edge of a block of commercial forest lands extending to the north. To the east, west and south within the two mile radius are lands within the City of Chiloquin, lands platted for residential and rural use, and lands planned/zoned/used for agriculture. To the north are lands used for commercial forest enterprises. The property is situated in an area blocked for forestry use and will continue in that use.

B. The proposed partition is consistent with the forest use policies as provided in the Klamath County Comprehensive Plan, because; The proposed parcel sizes are compatible with forest uses in the area and will not interfere with forest practices as set out in the Forest Practices Act.

In that the proposed use is continued production of trees and perpetuation of forest uses as set out in Goal 4, the proposed division is consistent.

C. The proposed division does not materially alter the stability of the overall land use pattern in the area nor sub-

stantially add to the demand for increased roads or other public facilities, because;

In that the proposed and current use is consistent with Goal 4, the proposed division is consistent with the intent of the plan and will perpetuate forestry uses and not alter the overall stability of the current land use pattern.

D. The proposed division provides for resultant parcels of sufficient size to ensure;

1. that forest uses will be the primary use of such lands, because; the size of the parcels created is above the minimum lot size required by the zone. As the Code has been acknowledged the Commission finds the use of the property will remain "forestry".

The Planning Commission also finds this partition consistent with the review criteria set out in L.D.C. sec. 45.003

6. CONCLUSIONS AND ORDER

The Planning Commission finds the applicant has satisfied the pertinent review criteria in that correct notice was given, all relevant code and policy have been complied with, and that the intent of Goal 4-Forestry Lands has not been compromised.

Therefore, it is hereby ordered the request for Minor Partition 17-89 is approved.

DATED this 11 day of August, 1989

Presiding Officer of the Planning Commission

Susan H. Crismon

15075

Secretary to the Planning Commission

Carl Shuck

Approved as to form and content:

Michael L. Spencer

Michael L. Spencer, County Counsel

Notice Of Appeal Rights

You are hereby notified that this decision 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 ten days of the date of mailing of this decision. The notice must be received by the Planning Department no later than 5:00 P.M. on the tenth day or next business day if the tenth day falls on a weekend or holiday. Failure to file a notice of appeal within the time provided will result in the loss of your right to appeal this decision.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County the 15th day
 of Aug. A.D., 19 89 at 10:35 o'clock A.M., and duly recorded in Vol. M89
 of Deeds on Page 15072
 By Evelyn Biehn County Clerk
Pauline M. Anderson

FEE none

Return: Commissioners Journal