

BEFORE THE PLANNING COMMISSION
KLAMATH COUNTY, OREGON

IN THE MATTER OF REQUEST FOR
CONDITIONAL USE PERMIT 26-89 FOR
WEYERHAEUSER CO. AND LOCATED
IN THE FORESTRY ZONE

ORDER

1. NATURE OF THE APPLICATION

A hearing on this application was held July 25, 1989, pursuant to notice given in conformity with Ordinances No. 44 and 45.

The hearing was held before the Klamath County Planning Commission.

The request to establish a mineral extraction site for hard rock extraction in the Forestry zone was considered pursuant to sections 51.020 and 81 of the Land Development Code.

2. NAMES OF THOSE INVOLVED

The applicant was represented by John Monfore, Land Use Manager, The Planning Department was represented by Kim Lundahl, Senior Planner. The recording secretary was Karen Burg, Administrative Secretary. Tod Davies appeared and offered testimony in opposition to this application.

3. LEGAL DESCRIPTION

The subject property is located in section 4, Township 28 south Range 8 east. Generally located south of Chemult and east of Hwy 97. The total area within the permit is 20 acres.

4. RELEVANT FACTS

The property is within the Forestry Plan designation with an implementing zone of Forestry. The operation site is 20

acres in size and is under Forestry tax deferral.

5. FINDINGS

All evidence submitted as the staff report, exhibits A-G, 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 E as follows:

A. The proposal is compatible with forest uses, because; The mineral to be extracted from this site is hard rock for use of Forestry Roads as well as commercial sale for state and local road projects such as Highway 97 upgrade. As such, the project compliments forestry operations by providing a source of much needed road surfacing material. The site is low in forest productivity due to rock outcrop extending above the pumice mantel.

B. The proposal does not interfere seriously with the accepted forestry practices on adjacent lands devoted to forestry use; and does not significantly increase the cost of forestry operations on such lands. because;
Due to location, access, and site productivity, there will be minimal impact to forestry operations.

C. The project will not materially alter the stability of the overall land use pattern of the area, because;
The surrounding ownership is Weyerhaeuser Co. devoted to forest management. The use of the site for hard rock production is a legitimate accessory use to forest management as defined by the Oregon Forestry Practices Act. The contemplated

off-site sale of the hard rock product has brought the operation under the purview of the Commission.

D. The site is located on generally unsuitable land for the production of forest products and livestock, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of the tract, because; This area is of marginal value to forest production due to the steep topography and rock outcrops. Required reclamation work will convert the site to new plantations over the site area, thereby converting the area into a more productive forest use site.

E. The mineral extraction site considers site productivity, minimizes the loss of productive forest lands; and is limited to the area suitable and appropriate to the needs of the proposed use, because;

The site is planned in shape, topography and location to minimize the loss of productive lands. Reclamation activities will be geared for timely replanting of ponderosa pine seedlings.

F. The project meets the standards set forth relating to the availability of fire protection and other rural services and will not tax those services because;

Fire protection is provided through contract with the Oregon Dept. of Forestry. No other utilities/services are required by this project.

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 Conditional Use Permit 26-89 is approved subject to the following:

1. This operation will be operated in conformance with applicable local/state/federal regulations.
2. This operation will not commence until a D.O.G.A.M.I. approved reclamation plan is on file with the Planning Department.

DATED this 11 day of August, 1989

Presiding Officer of the Planning Commission

Susan H. Crismon

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 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 the mailing of this decision.

CUP 26-89 Weyerhaeuser Company

Page 4

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 AM., and duly recorded in Vol. M89 of Deeds on Page 15076.

Evelyn Biehn County Clerk

FEE none

By Pauline Miller

Return: Commissioners Journal