

BEFORE THE PLANNING COMMISSION  
KLAMATH COUNTY, OREGON

IN THE MATTER OF REQUEST FOR  
MAJOR PARTITION 42-88 FOR  
ED SHIPSEY AND LOCATED IN THE  
FORESTRY RANGE 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 partition property in the Forestry Range zone was considered pursuant to Section 51.021 E.

2. NAMES OF THOSE INVOLVED

The applicant was represented by Richard Rambo, Attorney at Law. The Planning Department was represented by Carl Shuck, Planning Director. The recording secretary was Karen Burg, Administrative Secretary. Mark Yonck appeared and offered testimony in opposition to this application.

3. LEGAL DESCRIPTION

The subject property is located in sections 17 and 18, Township 40 south, Range 8 east. Generally located south of the community of Keno and west of the Keno-Worden Rd.. The total acreage within the partition is 366.85 acres.

4. RELEVANT FACTS

The property is within the Forestry Plan designation with an implementing zone of Forestry Range. The property is 366.85

'89 AUG 15 AM 10 35

acres in size and is not under Forestry tax deferral.

#### 5. FINDINGS

All evidence submitted as the staff report, exhibits A-H, 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 51.021 E as follows:

A. The proposed division is compatible with other lands zoned Forestry/Range in the area, does not interfere with forest practices or with forest uses, because;

The zoning and land use of properties to the north, south, and east is rural. The zoning of the property to the west is Forestry/Range. As such there are no forest uses to the north, south, and east. The land use to the west is forest, however, the landowner, the B.L.M., is not engaged in the management of this parcel for forest production.

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;

Testimony by Mr. Yonck cited additional traffic on Lava Lane would be generated by this partition. The Planning Commission finds the maximum number of additional residences that could be added to the traffic flow of Lava Lane is 2. These homes may be subject to the Conditional Use Permit process as non-forest homes. The Commission finds the additional traffic volume is not detrimental to the neighborhood.

The parcel size mix of the adjacent area ranges down to one acre. The division of this property into three parcels will not markedly increase the residential density of the area, nor alter the stability of the overall 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 and of the Goal 5 overlays, Deer Winter Range and Eagle Flyway. Request was made of the Oregon Dept. of Fish and Wildlife for response and no indication has been received from that agency indicating this partition would have a detrimental effect on wildlife resources. As the Code has been acknowledged the Commission finds the use of the property will remain "forestry". Therefore the partition as proposed is also consistent with Section 83.007 Significant Resource Area.

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 Major Partition 42-88 is approved.

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 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.

MJP 42-88/Shipsey  
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 A.M., and duly recorded in Vol. M89, of Deeds on Page 15087.

FEE none

Evelyn Biehn County Clerk

By Dorlene Mulder

Return: Commissioners Journal