

BEFORE THE PLANNING COMMISSION  
KLAMATH COUNTY, OREGON

IN THE MATTER OF MNP 27-89 FOR  
KEN AND LINDA KINSMAN FOR A MINOR PARTITION ORDER  
IN CONJUNCTION WITH FOREST USE

1. NATURE OF THE REQUEST:

The applicant wishes to partition property in conjunction with forest uses. The property contains 420 acres and the request is to allow the division of the property into two parcels, one of 278 acres and a second of 142 acres.

This requests were heard by the Planning Commission August 22, 1989 pursuant to Ordinances 44 and 45. The request was reviewed for conformance with Land Development Code section 51.021 E.

2. NAMES OF THOSE WHO PARTICIPATED:

The applicant appeared and offered testimony in support of the application. The Planning Department was represented by Kim Lundahl, Senior Planner. The recording secretary was Karen Burg, Administrative Secretary. Legal assistance was given by Michael L. Spencer, County Counsel. Members of the Planning Commission who attended this hearing were: Susan Crismon, Ed Livingstone, John Browning, Bob Brackett, John Kite, Doug Everett, Hal Pearce, and Don McCasland.

3. LEGAL DESCRIPTION:

The subject property is located in sections 6 & 7, Township 41 south, Range 10 east, W.M.. Generally located north of the intersection of Fugate Rd. And Lower Klamath Lake Rd..

SEP 21 AM 10 38

#### 4. RELEVANT FACTS:

The property is within the Forestry plan designation and has an implementing zone of Forestry Range. The property is 420 acres in size and is under Farm Deferral. Applicants and staff photos indicate the property is cultivated and devoted to agricultural production. The property is indicated on the Countys Goal 5 mapping as containing a mineral resource. No evidence of a usable site is known to exist by the applicant, Planning Staff or Planning Commission members.

#### 5. FINDINGS:

All evidence submitted as the staff report, exhibits b-e, 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 proposal is compatible with other lands zoned Forestry Range in the area and does not interfere with forest practices, because; The land use in all compass directions is found to be similar in nature to the use of the subject property. Grazing and field crop production are the use of all properties in the area. These are permitted uses in the Forestry Range zone.

B. The proposed division is consistent with the forest use policies as provided in state/local/guidelines/policies, because; The acknowledged minimum lot size for forestry uses in the Forestry Range zone is 40 acres. The proposed parcels exceed the minimum by a substantial factor. The commission

finds this partition does not conflict with the intent of the applied zoning and hence does not conflict with state/local/guidelines/policies.

C. The project will not materially alter the stability of the overall land use pattern of the area, because; The present use of the property, intensive agriculture, is a theme carried out in the land use pattern of the vicinity. As this use will be perpetuated, the stability of the vicinity will remain unaffected.

D. The proposed partition provides for resultant parcels of sufficient size to ensure:

1. that forest uses will be the primary use of such lands, because; Row and field crops, the current land use, are a permitted use and will be perpetuated by the owner.

E. The Planning Commission, based on the preliminary partition map and agency input, finds the partition, as proposed, in conformance with the review criteria set out in Section 45.003 of the Land Development Code.

6. ORDER:

Therefore, it is ordered the request of Ken and Linda Kinsman for approval of M.N.P. 27-89 is approved subject to the following conditions:

1. M.N.P. 27-89 must comply with agency conditions and code requirements prior to filing.

DATED this 19<sup>th</sup> day of September, 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 Code, together with the required fee 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 21st day of Sept. A.D., 19 89 at 10:38 o'clock A.M., and duly recorded in Vol. M89, of Deeds on Page 17847.

FEE none

Evelyn Biehn County Clerk  
By Pauline Mullendore

Return: Commissioners Journal