

BEFORE THE PLANNING COMMISSION

KLAMATH COUNTY, OREGON

IN THE MATTER OF CONDITIONAL USE PERMIT 16-89
FOR DELBERT AND NORMA HENRY FOR A RESIDENCE NOT
IN CONJUNCTION WITH FORESTRY USE IN THE FORESTRY
ZONE

PROPOSED ORDER

NATURE OF REQUEST

Applicant wishes to establish a residence not in conjunction with forest use on a parcel of land approximately 9.85 acres in size zoned Forestry (F). Site is located approximately one mile northwest of the City of Chiloquin. This request was heard by the Planning Commission on August 22, 1989, pursuant to Article 44 and Article 51, Section 51.020(E) of the Land Development Code.

NAMES OF PARTICIPANTS

The applicants appeared and offered testimony in support of their application. Others who attended were Michael Spencer, County Legal Counsel, Planning staff, and a quorum of the Planning Commission.

LEGAL DESCRIPTION

Subject property is located in the SE1/4 of Section 28, Township 34, Range 7, Tax Lot 2300, and is approximately one mile northwest of the City of Chiloquin.

RELEVANT FACTS

The property is designated Forestry and zoned Forestry (F). The property is approximately 9.85 acres in size and is not under Forestry Deferral. Photos of subject site indicate it is primarily rolling with a slight north/south slope, with slopes ranging from 2 to 12 percent. The west boundary is bordered by a 5 1/2 acre parcel with east boundary bordered by a 3 acre parcel.

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FINDINGS

Evidence submitted as the staff report, Exhibits A-G, and offered testimony show that the approval criteria as set out in the Land Development Code has been satisfied. The Commission finds the application conforms with the criteria set out in Land Development Code Section 51.020(E) as follows:

A. The proposal as submitted is compatible with surrounding uses because the surrounding use is a mixture of lots 5 to 10 acres in size zoned Forestry and a subdivision of 80 plus lots 1 to 3 acres in size zoned R-1.

Applicant has indicated by map there are approximately 17 existing residences in the subdivision and 6 existing residences on lots zoned Forestry. Directly to the north and across Highway 422 from subject parcel is a 4.3 acre parcel with improvements which include a mobile home for residential purposes. Also north of the site is a 5 acre parcel with a 1,600 square foot house for residential use.

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: The adjacent lands are used for rural residential use as indicated on applicant's map indicating existing single-family residences. The proposed use on the approximately 9.85 acre property will not interfere with the commercial forest practices on adjacent lands due to adjacent lots being a buffer to land that has large acreage. No known forest management on large acreage to the west.

C. The project will not materially alter the stability of the overall land use pattern of the area, because: The proposed impact to the overall land use pattern of the area will be minimal. The ownership in all direc-

tions from the proposed site is private ownership with no forest practices involved.

D. The site is located on generally unsuitable land for the production of forest products and livestock, considering the terrain, adverse soil, vegetation, location and size of the tract, because: The timber site classification of the project site is class V meaning site has a potential yield of 20-50 cubic feet per acre per year when under management. Site is not under management. The proposed site and area is rolling terrain with sagebrush and grass, with some pine and few Aspen trees. The site is near other residences and the City of Chiloquin, and therefore, unsuitable for the processing of forest products.

E. The proposal meets the standards set forth relating to the availability of fire protection and other rural services and will not tax those services because: The property now is in the Chiloquin/Agency Lake Fire District with the nearest fire station being 1 mile or approximately 5 minutes away. The owner is also paying taxes for being in the fire district. Other services will be minimally impacted by the proposed use. There are existing services on the property now, such as, power and telephone. Site will have access off of State Highway 422, a paved highway.

ORDER

Therefore, it is hereby ordered the request of Delbert and Norma Henry for Conditional Use Permit 16-89 is approved.

DATED THIS 19th 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 Legal 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 17851.

FEE none

Evelyn Biehn - County Clerk

By Pauline Mueller

Return: Commissioners Journal