

## BEFORE THE PLANNING COMMISSION

## KLAMATH COUNTY, OREGON

IN THE MATTER OF CONDITIONAL USE PERMIT 24-89 )  
FOR THREE NON-FOREST DWELLINGS IN THE FORESTRY )  
RANGE ZONE AND MINOR PARTITION 18-89 FOR )  
DALE JONGEWAARD )

PROPOSED ORDER

REQUEST

The applicant made application to establish three residences not in conjunction with forestry use on approximately 22.08 acres. Location of site is west of Old Fort Road, north side of Colman Dairy Road and approximately 60 feet west of the Urban Growth Boundary line.

This request was heard before the Planning Commission on August 22, 1989, with request being reviewed for conformance with Land Development Code Sections 44.003 and 51.021(D). Applicant also filed a Minor Partition to divide subject property into three parcels per Section 45.003.

NAMES OF PARTICIPANTS

The applicant appeared and offered testimony in support of his application. Others in attendance were Mike Spencer, County Legal Counsel; Planning staff, and a quorum of the Planning Commission.

LEGAL DESCRIPTION

Subject property for non-forest dwellings is situated in the SW1/4 of Section 22, Township 38, Range 9, Tax Lot 1100. The property is generally located on the north side of Colman Dairy Road and immediately west of Old Fort Road.

RELEVANT FACTS

The property is within the Forestry plan designation and has an implementing zone of Forestry Range. The property is approximately 22.08 acres in size and is not under forestry deferral. Photos indicate the property is

open, hilly and no trees of timber value. Site has a timber site rating of VI which has a potential yield of 20-50 cubic feet per acre per year.

#### FINDINGS

All evidence submitted as the staff report, exhibits A-D, 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 LDC Section 51.021(D) as follows:

A. The proposal is compatible with surrounding uses because the surrounding use in the area is rural residential in nature. There are approximately 17 lots in the area which are partially developed. Applicant has indicated by map there are approximately 11 residences in the surrounding area or approximately 64 percent of immediate area is developed. The applicant states there are no recreational uses on proposed site or in surrounding area.

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 Exhibit B, map indicating existing single-family residences. The proposed use on the approximately 22.08 acre property will not interfere with the commercial forest practices on adjacent lands due to the residential use in the surrounding area.

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 overall residential density of the area is approximately a residence per 10.2 acres which is under private ownership. The ownership in all directions 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 or land conditions, drainage and flooding, vegetation, location and size of the tract, because: The timber site classification of the project site is class VI meaning site has a potential yield of 20-50 cubic feet per acre per year when under management. The proposed site and area is rolling terrain with sagebrush and grass. The area has been used for summer grazing and is marginal for that use. The site has not been used for pasture in the last 10 years as indicated by applicant.

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 owner now is in Fire Dist. No. 1 with the nearest fire station being 4.2 miles 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 has access off of Colman Dairy Road, a graveled road which is maintained.

F. The site for proposed use is approximately 1/4 mile west of the City limits. Zoning in the City limits is for a Planned Unit Development (PUD). Approximately 60 feet to the east is land zoned RL (Low Density Residential), all being inside the UGB.

#### MINOR PARTITION 18-89

Minor Partition 18-89 was reviewed as set out in Land Development Code Section 51.021(E)(2) of the Forestry Range zone with application found to be in compliance as follows:

1. The parcels as designed will use the least amount of forest land

because the approximately 22.08 acres has demonstrated that there never has been forest practices applied to the site and also would not be an economically feasible project due to the soil type and timber classification.

2. The site for proposed use would also not take away or affect the forestry land base of the County due to the type of development in the surrounding area.

3. The parcels and access to them are designed so as not to interfere with forest practices on surrounding lands as there is an existing maintained road which is not used for forestry uses.

4. The existing road appears to be capable of handling the type of traffic that would be generated from the proposed use.

ORDER

Therefore, it is hereby ordered the requests of Dale Jongewaard for Conditional Use Permit 24-89 and Minor Partition 18-89 are approved subject to the following conditions:

1. CUP 24-89 will not be effective until MNP 18-89 is filed in the office of the County Clerk.
2. MNP 24-89 must comply with agency conditions and code requirements prior to filing.

DATED THIS 19 DAY OF September, 1989

Presiding Officer of the Planning Commission


Luannd Crismon

Secretary to the Planning Commission

Carl Shuck

17859

Approved as to form and content:

  
 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  
 of Sept. A.D., 19 89 at 10:38 o'clock A M., and duly recorded in Vol. M89  
Deeds on Page 17855

FEE none

Evelyn Biehn

County Clerk

By

Russell Newlandore

Return: Commissioners Journal