

BEFORE THE PLANNING COMMISSION
KLAMATH COUNTY, OREGON

IN THE MATTER OF REQUEST FOR
CONDITIONAL USE PERMIT 64-89 FOR
LEE ROY TOTTEN TO ESTABLISH A
MINERAL EXTRACTION SITE IN THE
FORESTRY RANGE ZONE

ORDER

1. NATURE OF THE APPLICATION

A hearing on this application was held Octpber 24, 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 gravel in the Forestry Range zone was considered pursuant to Section 51.021 and Article 81 of the Land Development Code.

2. NAMES OF THOSE INVOLVED

The applicant was presented and offered testimony in support of the application. The Planning Department was represented by Carl Shuck, Planning Director. The recording secretary was Karen Burg. Michael L. Spencer, County Counsel, was present to offer legal assistance. There was a quorum of the Planning Commission present.

3. LEGAL DESCRIPTION

The subject property is located in Sections 2, Township 39 south, Range 8 EWM and is 160 acres in size.

4. RELEVANT FACTS

The property is within the Forestry Plan designation with an implementing zone of Forestry Range. The operation site is 160 acres in size.

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 51.021 E as follows:

- A. The proposal is compatible with forest uses, because; The mineral to be extracted from this site is gravel for use on forestry roads as well as commercial sale for State, County, and private uses. The project compliments forestry operations by providing a much needed material for concrete and other surfacing uses. The site is of moderate timber productivity due to the gravelly soil. Ponds will result from the quarry operations. Wildlife enhancement, a forestry use, will be enhanced by the planting of cover and food species. The Planning Commission finds this to be of beneficial to forest uses as they pertain to wildlife.
- 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. Road surface material for forestry road maintenance will also be made available.
- C. The project will not materially alter the stability of the overall land use pattern of the area, because; the surrounding land use is Forestry Range and to the east over the ridge is located a subdivision; however, all proposed operations will not be visible due to the topographic barrier. The Planning Commission finds that other forest uses as set out in the Goal will not be compromised by this activity.
- 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. The site will be reclaimed for forest uses upon the cessation of mining operations.

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 planned size, shape, and reclamation of the area will minimize the long term loss of productive lands. The enhancement of the area for bird species outweighs the loss of tree production over this period.

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 Klamath County Fire District No. 1. 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 64-89 is approved subject to the following:

1. This operation will be operated in conformance with applicable local/state/federal regulations.

2. A "buffer strip" 50 feet wide will be maintained on the west side of the ridge to screen the extraction site.

DATED this 14th day of November, 1989

Presiding Officer of the Planning Commission

John Monroe

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 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.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County the 15th day of Nov. A.D., 19 89 at 9:53 o'clock AM., and duly recorded in Vol. M89, of Deeds on Page 22078.

FEE none

Evelyn Biehn, County Clerk

By *Pauline Mullendore*

Return: Commissioners Journal