

BEFORE THE PLANNING COMMISSION  
KLAMATH COUNTY, OREGON

IN THE MATTER OF CUP 35-89 FOR  
MYRON AND ELAINE HAINAGAN, TO ESTABLISH RESIDENCES  
NOT IN CONJUNCTION WITH FOREST USE,  
AND MJP 23-89 TO DIVIDE LAND IN THE FORESTRY  
RANGE ZONE INTO TWO PARCELS

ORDER

1. NATURE OF THE REQUEST:

The applicant wishes to establish residences not in conjunction with forest use on 60 acres east of Bonanza. In conjunction with this request, the applicant also filed a major land partition.

These requests were heard by the Planning Commission November 28, 1989 pursuant to Ordinances 44 and 45. The request was reviewed for conformance with Land Development Code section 51.021 D and E.

2. NAMES OF THOSE WHO PARTICIPATED:

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

3. LEGAL DESCRIPTION:

The subject property is located in sections 20 & 21 T 39S R 12E W.M.. T.A. 3912-21-500 & 600, 3912-20-700 & 1000. Generally located one-half mile east of Langell Valley Rd. and one mile north of Bunn Rd..

4. RELEVANT FACTS:

The property is within the Forestry plan designation and has an implementing zone of Forestry Range. The property is 60 acres in size and is not under Farm or Forestry Deferral. Applicants and staff photos indicate the property is open with few trees. The Oregon Dept. of Fish And Wildlife found these

applications to lie within an area designated as "significant" to Deer as a wintering area. The applicant met with the Division and after further review the Division issued a letter dated October 9, 1989 withdrawing their objection. The Planning Commission finds the factual information set out in the Staff Report and Exhibits accurately reflects the property status.

#### 5. FINDINGS:

All evidence submitted as the staff report, exhibits b-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 D as follows:

A. The proposal is compatible with forest uses, because; the predominant forest use in the area is grazing. This use has predominated for years. This use, or similar, will be maintained on the parcel. The applicant states there are no recreational uses on this property.

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 zoned Forestry Range are owned by private owners engaged in the same pursuits as the applicant. The change in status to "non-forest" of two existing residences will not interfere with the commercial forest practices on adjacent lands due to the minimal impact of a change in status without an increase in the existing residential density of the area.

C. The project will not materially alter the stability of the overall land use pattern of the area, because; The impact of a change in nomenclature to the overall land use pattern of the area is minimal. The Planning Commission finds the average residential density of the area is one residence per 40 acres on that area within private ownership.

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 VII. This is low yield production. The area does contain small diameter (8-12") trees, but is mostly sagebrush and grass. The area has been used for summer grazing.

E. The proposal 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 residences proposed for "non-forest" status have been devoted to residential use for 14 years. The Commission finds the existing use limited to the area suitable and appropriate to the needs of the existing use as expansion of "hard" improvements is not anticipated by this application.

F. 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 shall adhere to the conditioned requirements outlined in section 51.021F of the Code, SETBACKS FOR FIRE SAFETY AND OTHER SITING STANDARDS. Other rural services will be minimally impacted by the addition of another residence.

In regards to the related major partition, the criteria set out in Land Development Code section 51.021 E 2 were reviewed and the application for MJP 23-89 was found in compliance as follows:

1. The parcel is designed to use the least amount of forest land consistent with the requirements of a non forest residential use, as; the 60 acres has been demonstrated by the staff report, exhibits, and testimony to be of little consequence to the forest uses set out as 1-7 in Goal 4 of the State-wide Planning Guidelines. In addition the change in status from "forest" to "non forest" of two existing residences is found to be of no material consequence to the Klamath County forest land base.

2. The parcel and access to it are designed so as not to interfere with forest practices on surrounding lands, as; no new road construction is proposed by the major partition. Access to parcels 1 and 2 is existing and will not require improvement to provide adequate access.

6. ORDER:

Therefore, it is ordered the request of Myron and Elaine Hannagan for approval of C.U.P. 35-89 and M.J.P. 23-89 is approved subject to the following conditions:

1. C.U.P. 35-89 will not be effective until M.J.P. 23-89 is filed in the office of the County Clerk.

2. M.N.P. 23-89 must comply with agency conditions and code requirements prior to filing.

3. The applicant must comply with the fire safety and other siting standards of the land use code.

DATED this 7th day of December, 1989

Presiding Officer of the Planning Commission

Susan W. Crimon

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.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County the 12th day  
of Dec. A.D., 19 89 at 12:38 o'clock P.M., and duly recorded in Vol. M89,  
of Deeds on Page 23953.

FEE none

Evelyn Biehn, County Clerk

By Pauline Mulendore

Return: Commissioners Journal