

BEFORE THE HEARINGS OFFICER
KLAMATH COUNTY, OREGONIN THE MATTER OF M.N.P. 11-90 FOR SPECTRUM
PROPERTIES, TO DIVIDE LAND IN THE FORESTRY
RANGE ZONE INTO TWO PARCELS

ORDER

1. NATURE OF THE REQUEST:

The applicant wishes to divide 808 acres in conjunction with permitted forest use, south of Bonanza. In conjunction with this request, the applicant filed a minor land partition which depicts the property as being divided into 328 and 480 acre parcels.

The request was heard by the Hearings Officer May 4, 1990 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 Hearings Officer in review of this application was Richard C. Whitlock. The applicants representative, Charles Dehlinger, appeared and offered testimony in support of this application as did Marie Owens, who lives adjacent to the property. The Planning Department was represented by Kim Lundahl, Senior Planner. The recording secretary was Karen Burg, Administrative Secretary.

3. LEGAL DESCRIPTION:

The subject property is located in portions of sections 34, T 39S R 11E, sections 2 & 3 T 40S R 11E, W.M.. Generally located south of West Langell Valley Rd., south of Bonanza.

4. RELEVANT FACTS:

The property is within the Forestry plan designation and has an implementing zone of Forestry Range. The parent parcel is 808 acres in size and is not under Farm Deferral. Applicants and staff photos indicate the property is

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not timbered and moderately sloped, native grasses being the predominant plant species. The Hearings Officer finds the factual information set out in the Staff Report and attached Exhibits accurately reflects the property status.

The applicant states the historic use of the property has been livestock grazing, a permitted use in the Forest Range zone.

The land use in all compass directions is livestock grazing.

5. FINDINGS:

All evidence submitted as the staff report, exhibits b-f, and offered testimony show that the approval criteria as set out in the code has been satisfied. The Hearings Officer finds this application conforms with the criteria set out in L.D.C. section 51.021 E as follows:

A. The proposed division is compatible with other lands zoned Forestry Range in the area, because; the predominant forest use in the area is grazing. All land that adjoins the subject property is devoted to similar land use. These parcels are being utilised in the same manner, existing and proposed, as the project site. The land use capability classification of the property equates to approximately 600 lbs./acre of feed for livestock grazing. This use, grazing, will be maintained on the parcel. The applicant states there are no recreational uses on this property.

B. The proposed division is consistent with the Forest use policies as provided in the Klamath County Comprehensive Plan, because; The proposal will perpetuate forest values found in the area as the acknowledged plan/zone minimum lot size of 40 acres is sufficient to maintain forestry uses 1-7 as defined within Goal 4 of the Statewide Planning Goals. The minimum lot sizes of the proposed parcels, 328 and 480 acres, exceed the minimum lot size. The Hearings Officer finds the property will be utilised consistent with forest

use policies as the applicant intends to perpetuate the use of the property for forestry purposes, i. e. grazing.

C. The project will not materially alter the stability of the overall land use pattern of the area nor substantially add to the demand for increased roads or other public facilities and services, because; In that the proposed and current use is consistent with Goal 4, the proposed division is consistent with the intent of the Plan and will perpetuate the forest uses and will have no impact on the stability of the area. The Hearings Officer finds applicants exhibit "b", which is attached hereto and incorporated herein a findings of fact, sets out examples of similar use/development in the immediate area. The impact on public services resultant from this partition are found to be of no significance.

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

1. that forest uses will be the primary use on such lands because: The applicant has demonstrated and the Hearings Officer finds the current use of the land is "Forestry Use" as defined by Goal 4 of the Statewide Planning program. These uses will not be modified or compromised by the application considered and conditioned by the Hearings Officer.

2. that non-forest uses are necessary and accessory to the primary use as a forest operation because: Non-forest uses are not a consideration of this application and the Hearings Officer finds this criteria does not apply.

3. that forest practices will not be adversely impacted because: this application is found consistent with Statewide Planning Goal 4 by demonstration of the Staff Report, attached exhibits and testimony received for the record, all of which indicate forestry use will be continued on both parcels.

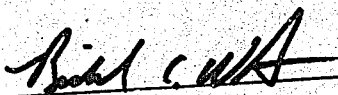
4. that the division is consistent with the provisions of Section 83.007; Because the area is not included within the County's "Goal 5" inventory mapping, significant resources are not known to exist on the subject property.

6. ORDER:

Therefore, it is ordered the request of Spectrum Properties for approval of M.N.P. 11-90 is approved subject to the following conditions:

1. M.N.P. 11-90 must comply with agency conditions and code requirements prior to filing.
2. The final plat must be prepared by a licensed professional land surveyor.

DATED this 21 day of May, 1990



Richard C. Whitlock, Hearings Officer

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 22nd day of May A.D., 19 90 at 9:35 o'clock A.M., and duly recorded in Vol. M90 of Deeds on Page 9700.

FEE none

By Evelyn Biehn County Clerk
D. Andrew Miller

Return: Commissioners Journal