

IN THE MATTER OF LP 31-92 FOR SHAMROCK DEVELOPMENT  
TO DIVIDE LAND IN THE FORESTRY  
RANGE ZONE INTO THREE PARCELS ORDER

1. NATURE OF THE REQUEST:

The applicant wishes to divide 390 acres in conjunction with permitted forest use on Pearson Butte, west of Klamath Falls. In conjunction with this request, the applicant filed a land partition which depicts the property as being divided into 80, 80, and 230 acre parcels.

The request was reviewed by the Planning Director JUNE 24, 1993 pursuant to Ordinances 44 and 45. The request was reviewed for conformance with Land Development Code section 55.250 A 1.

2. NAMES OF THOSE WHO PARTICIPATED:

The Planning Director in review of this application was Carl Shuck. The Planning Department Staff Report was prepared by Kim Lundahl, Senior Planner.

3. LEGAL DESCRIPTION:

The subject property is located in portions of sections 28 & 29 T 40S R8E W11E. Generally located south of the Cedar Trails subdivision west of the Keno-Worden Rd., south of Keno.

4. RELEVANT FACTS:

The property is within the Forestry plan designation and has an implementing zone of Forestry Range. The parent parcel is 390 acres in size. Applicant's information and staff photos indicate the property is not timbered and moderately sloped, native grasses and brush being the predominant plant species. The Planning Director 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, show that the approval criteria as set out in the code has been satisfied. The Planning Director finds this application conforms with the criteria set out in L.D.C. section 55.250 A 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 utilized 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/zoning 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, 80 acres, meets the minimum lot size and has been reviewed by the ODEW & USFWS for conformity with the Goal 5 overlay for deer winter range and. The Planning Director finds the property will be utilized consistent with forest use policies as the applicant intends to perpetuate the use of the property for forestry purposes, i. e. grazing and low intensity recreation use.

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 consid-

tent with the intent of the Plan and will perpetuate the forest uses and will have no impact on the stability of the area. The Planning Director finds applicants exhibit "b" 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 Planning Director 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 Planning Director.

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 Planning Director 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 and exhibits 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: The area is included within the County's "Goal 5" inventory mapping significant resources. The minimum parcel sizes are at the minimum 60 acres required by this designation. This project has been reviewed by the ODFW & USFWS and no response has been received.

## 6. ORDER:

Therefore, it is ordered the request of SHAMROCK DEVELOPMENT for approval of LP 31-92 is approved subject to the following conditions:

1. LP 31-92 must comply with agency conditions and code requirements prior to filing.
2. The applicant shall file a restrictive covenant with the County Clerk prohibiting the applicant and successors in interest from complaining about legitimate resource management activities on adjacent properties.

DATED this 24th day of JUNE, 1992

Carl Shuck

Carl Shuck, Planning Director

## 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 Article 33 of the Code, together with the required fee within seven 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 26th day of June A.D., 19 92 at 10:55 o'clock A.M., and duly recorded in Vol. M92 of Deeds on Page 14027.

FEE none

Evelyn Biehn - County Clerk

By Pauline Biehn

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