

BEFORE THE PLANNING COMMISSION  
KLAMATH COUNTY, OREGONIN THE MATTER OF MNP 24-89 FOR  
HENZEL PROPERTIES LIMITED FOR A MINOR PARTITION  
IN CONJUNCTION WITH AGRICULTURAL USE

ORDER

1. NATURE OF THE REQUEST:

The applicant wishes to partition property in conjunction with agricultural uses. The property contains 3787 acres and the request is to allow the division of the property into three parcels, one of 1397, a second of 1004 and a third of 1385 acres.

This requests were heard by the Planning Commission August 22, 1989 pursuant to Ordinances 44 and 45. The request was reviewed for conformance with Land Development Code section 51.018 E.

2. NAMES OF THOSE WHO PARTICIPATED:

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

3. LEGAL DESCRIPTION:

The subject property is located in Township 40 south, Ranges 8 & 9 south, W.M.. Generally located southeast of the

\*89 SEP 13 AM 8 51

intersection of the Crossroad and Hwy 97 south. Lower Klamath Lake area.

**4. RELEVANT FACTS:**

The property is within the Agricultural plan designation and has an implementing zone of EFU-CG. The property is 3787 acres in size and is under Farm Deferral. Staff photos indicate the property is cultivated and devoted to agricultural production.

**5. FINDINGS:**

All evidence submitted as the staff report, exhibits b-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 L.D.C. section 51.018 E as follows:

A. The proposed parcels are typical of the size of the surrounding existing commercial farm units. because; The land use in all compass directions is found to be similar in nature to the use of the subject property. Grazing and field crop production are the use of all properties in the area. These are permitted uses in the Agricultural zones. The proposed parcel sizes are consistent with the area and continued use.

B. The proposed parcels are of sufficient size to support the existing or potential commercial farm production, because; Surrounding farm units range in size from several hundred acres to several thousand. The average size required to remain commercially viable is about 750 acres according to the

applicant. The Commission finds this formula reasonable. The parcel sizes proposed are above this threshold.

C. Additional findings as required by section 51.018 E include:

Each parcel proposed is sufficient in area to support the existing or potential commercial production of farm products when parcel size, soil classification, and typical yields are taken into consideration. Each parcel is approximately 1000 acres in size and consists of Class III type soils. The applicant provided a breakdown of the soil series found within the holding as follows:

Algoma silt loam- pasture, barley, alfalfa hay, and wheat, oats and potatoes

Tulana silt loam- barley, oats, cereal hay, pasture and potatoes.

Production and the current production value of each parcel is shown within the supporting narrative as follows:

Parcel 1-\$265,093.00

Parcel 2-\$306,157.60

Parcel 3-\$226,414.30

The Commission finds the proposed parcels commercial farm units.

6.ORDER:

Therefore, it is ordered the request of Henzel Properties Ltd. for approval of M.N.P. 24-89 is approved subject to the following conditions:

1. M.N.P. 24-89 must comply with agency conditions and code requirements prior to filing.

DATED this // <sup>Sept.</sup> day of ~~August~~, 1989

Presiding Officer of the Planning Commission

Susan A. Crismon

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. 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 the 13th day of Sept. A.D., 19 89 at 8:51 o'clock A.M., and duly recorded in Vol. M89 of Deeds on Page 17204.

FEE none

Evelyn Biehn - County Clerk  
By Pauline Muller

Return: Commissioners' Journal