

BEFORE THE PLANNING COMMISSION  
KLAMATH COUNTY, OREGONIN THE MATTER OF MINOR PARTITION 37-89 FOR  
JIM O'CONNOR

ORDER

1. NATURE OF THE REQUEST:

The applicant wishes to partition 229.41 acres into two parcels of approximately 133.95 and 95.46 acres in size. This request was heard by the Planning Commission on October 24, 1989, pursuant to Article 25 and reviewed for conformance with Land Development Code Section 51.017(E).

2. NAMES OF THOSE WHO PARTICIPATED:

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

3. LEGAL DESCRIPTION:

The subject property is located in Sections 28 and 33, Township 40S, Range 10EWM, located off Chin Road approximately 1/4 mile south of Chin Road and State Highway 39.

4. RELEVANT FACTS:

The property is within the Agriculture plan designation and has an implementing zone of EFU-C. The property is 229.41+/- acres in size and is under Farm Deferral.

5. FINDINGS:

A. All evidence submitted, Exhibits A-E, and offered testimony by the applicant shows compatibility with existing uses in the surrounding area.

Parcels of lesser size, -95 acres are located to the immediate boundaries. Historic use of the property has been agriculture related, cropland, and pasture. Contiguous land uses are identical, EFU, and the proposed use will not conflict with existing uses.

- B. The proposal will not interfere with existing uses.
- C. The project can maintain an agricultural use due to soil type, irrigation methods and topography.
- D. That the minimum parcel size, 95 acres, exceeds 80 acres as identified in Section 51.017(E)(1)(a)(3).
- E. That the subject property is in deferral under ORS 208.372 as submitted by applicant.
- F. That the proposal meets the standards set forth relating to the availability of fire protection, County Fire Dist. No. 1, and will not tax these services.

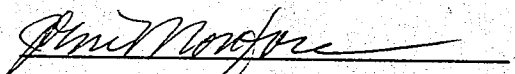
6.ORDER:

Therefore, it is ordered the request of Jim O'Connor for approval of Minor Partition 37-89 is approved subject to the following conditions:

1. M.N.P. 27-89 must comply with agency conditions and code requirements prior to filing.

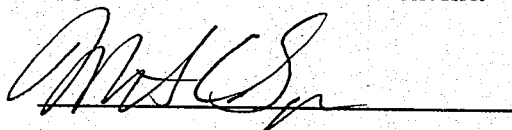
DATED this 27th day of Oct, 1989

Presiding Officer of the Planning Commission

  
Secretary to the Planning Commission

  
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Approved as to form and content:

  
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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 1st day  
of Nov. A.D., 19 89 at 10:14 o'clock A M., and duly recorded in Vol. m89,  
of Deeds on Page 20961.

FEE none

Evelyn Biehn, County Clerk

By Pauline Muslindore

Return: Commissioners Journal