

BEFORE THE HEARINGS OFFICER
KLAMATH COUNTY, OREGONIN THE MATTER OF MJP 8-90 FOR JOHN AND PAULETTE
KNOLL FOR A MAJOR PARTITION IN CONJUNCTION WITH

ORDER

AGRICULTURAL USE

1. NATURE OF THE REQUEST:

The applicant wishes to partition property in conjunction with permitted uses in the Agricultural zones. The property contains 499.55 acres and the request is to allow the division of the property into three parcels, one of 55.37, a second of 150.6, and a third of 293.58 acres.

This request was heard by the Hearings Officer April 20, 1990 pursuant to Ordinances 44 and 45. The request was reviewed for conformance with Land Development Code section 51.017 E 1 and O.R.S. 215.243.

2. NAMES OF THOSE WHO PARTICIPATED:

The Hearings Officer in review of this application was Richard C. Whitlock. The applicant was present and offered testimony in support of the application. The Planning Department was represented by Kim Lundahl, Senior Planner. The recording secretary was Leanne Mitchel, Administrative Secretary.

3. LEGAL DESCRIPTION:

The subject property is located in portions sections 16, 17, 20, & 21 T 39S R 10E W.M.. Generally located east of Reeder Rd., 0.8 mile south of Hwy 140.

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4. RELEVANT FACTS:

The property is within the Agricultural plan designation and has an implementing zone of EFU-C. The property is 499.55 acres in size and is under Farm Deferral. Staff testimony indicates the property is presently cultivated and devoted to agricultural production.

A. ACCESS: The property is accessed by Reeder Rd., a county maintained paved road extending south from U.S. Hwy 140.

B. FIRE PROTECTION: The property is within Klamath County Fire District #1 and the nearest substation is approximately 4 miles from the project site. The response time to the site is 5 minutes. Additional residential development is not proposed by this application.

C. LAND USE: The property is a parcel of 499.5 acres of agricultural property. The adjacent properties are found to be devoted to agricultural use in all compass directions and is located in a valley developed for agricultural use through the Klamath Project.

D. SLOPE: Available topographic mapping indicates the property is essentially level.

E. SOILS: The Soil Conservation Service mapping of the site indicates the property is within the Fordney and Poe Loamy Fine Sand Soil Series. These series are rated as Class III for Land Capability Classification. These soils and their specific properties are set out in the U.S.D.A. publication SOIL SURVEY OF KLAMATH COUNTY, SOUTHERN PART, on file in the Planning Department. It is clear these soils are superior for agricultural uses.

5. FINDINGS:

All evidence submitted as the staff report, exhibits b-d, and all offered testimony show that the approval criteria as set out in the code has been satisfied.

A. The Hearings Officer finds this application conforms with the criteria set out in L.D.C. section 51.017 E and O.R.S. 215.243 as follows:

1. The proposed parcels are typical of the size of the surrounding existing commercial farm units. 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 as agricultural parcels.

B. The proposed parcels are of sufficient size to support the existing or potential commercial farm production. Surrounding farm units range in size from five to two hundred twenty, with many in the 80 acre size or less. The parcel sizes proposed are above this average within one mile.

C. Additional findings as required by section 51.017 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 large in size and consists of Class III type soils.

The applicant has submitted the farm income from 1989 as follows:

- a. 295 acres pasture @ \$90.00 / acre.
- b. 128 acres grain @ 2 tons / acre @ \$96.00 / ton.
- c. 50 acres leased for grain @ \$97.80 / acre.

The Hearings Officer finds the proposed parcels can be operated as viable commercial farm units. The Hearings Officer specifically finds that the smallest parcel is geographically separated from the other two parcels by an irrigation canal and that it has been operated as an economically viable agricultural parcel.

D. The Hearings Officer finds this application in furtherance of O.R.S.

215.243 since it will continue the agricultural use of all parcels and will not result in any "urbanization" of this area.

6. ORDER:

Therefore, it is ordered the request of John and Paulette Knoll for approval of M.J.P. 8-90 is approved subject to the following conditions:

1. Applicant must comply with agency conditions and code requirements prior to filing.
2. The access to parcels one and two shall be a minimum of thirty (30) feet in width.
3. Applicants must obtain a permit from the U.S. Bureau of Reclamation for the access to parcel two over the "B" canal.
4. The final plat for the partition must be prepared by a Registered Land Surveyor.

DATED this 26th day of ^{April}~~May~~, 1990

Richard C. Whitlock
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. 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 May A.D., 19 90 at 9:48 o'clock A. M., and duly recorded in Vol. M90,
of _____ Deeds on Page 8106.

FEE none

By Evelyn Biehn County Clerk

Debra M. Nix

Return: Commissioners Journal