

BEFORE THE PLANNING DIRECTOR
KLAMATH COUNTY, OREGON

IN THE MATTER OF MINOR PARTITION 9-90
FOR MBK COMPANY TO DIVIDE LAND INTO TWO
PARCELS WITH ZONING BEING PUD AND FR

NATURE OF REQUEST

Applicant wishes to divide approximately 679.5 acres into two parcels with Parcel 1 zoned PUD and Parcel 2 zoned PUD and FR. Approximately 325 acres of Parcel 2 are zoned FR with the remaining 320 acres zoned PUD. Parcel 1 is approximately 34.5 acres.

The request was reviewed by the Planning Director on April 25, 1990, pursuant to Ordinances 44 and 45. This request was reviewed for conformance with Land Development Code Section 51.021(E).

LEGAL DESCRIPTION

Subject parcel is located in a portion of Section 15 and the west half of Section 14 in Township 38S, Range 9EWM, and generally located 2 1/2 miles north of the City of Klamath Falls, better known as the Old OTI Site.

RELEVANT FACTS

- A. Property is within a PUD zone and a Forestry Range zone. Property is approximately 679.5 acres with Parcel 1 being 34.5 acres and zoned PUD, and Parcel 2 being 645 acres and zoned PUD and FR. Acreage in PUD for Parcel 2 is 320 acres with 325 acres zoned FR.
- B. The site is within Klamath County Fire District No. 1 and is approximately 6-7 minutes away from the nearest fire station. Parcel 1 is totally inside the UGB.
- C. All evidence and review of the Planning Departments Goal 5 information indicates the partition is not within a Goal 5 resource. The timber site rating of that portion of Parcel 2 outside the UGB is V or a below average rating. Soils for that portion of Parcel 2 are Class VI and VII, with 2-35 percent slopes. Use of that portion of Parcel 2 is used for grazing and will remain as such.
- D. The minimum lot size of the FR zone per the Klamath County Land Development Code is 40 acres. The portion outside the UGB is approximately 325 acres or eight times the minimum lot size.

FINDINGS

All evidence submitted as the Staff Report and exhibits and offered testimony indicate that the approval criteria as set out in the Code has been satisfied. The Planning Director finds this application conforms to the criteria for review as set out in Land Development Code Section 51.021(E).

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A. The proposed partition is compatible in that Parcel 1 zoned PUD is within the PUD zone and is compatible with abutting uses such as the Tanglewood Subdivision to the immediate south. Also, Parcel 1 is approximately 1/4 mile from the FR zone and totally inside the UGB. Lots within Tanglewood range in size from one to one plus acres with partial development within the subdivision.

B. The types of soil for that portion of Parcel 2 zoned FR is predominantly Lorella and Woodstock with use being for grazing and to remain grazing. The minimum lot size is a 40 acre minimum with 325 acres remaining in the FR zone.

C. The proposed partition will not materially alter the stability of the overall land use pattern of the area nor substantially add to the increase of roads and public facilities because the parcelization is of large lots with one parcel being within the UGB.

D. The Planning Director finds that the Forestry uses will be the primary use on that portion zoned FR and also finds proposed use within the PUD meets the intent of the PUD zone.

ORDER

Therefore, it is ordered the request of MBK Company for Minor Partition 9-90 is approved.

DATED THIS 10th DAY OF May, 1990.

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 Klamath County Planning Department a Notice of Appeal as set out in Section 33.004 of the Klamath County Land Development Code, together with the fee required 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 10th day of May A.D., 19 90 at 11:38 o'clock A M., and duly recorded in Vol. M90 of Deeds on Page 8889.

FEE none

Evelyn Biehn County Clerk

By Pauline Mueller

REturn: Commissioners Journal