

BEFORE THE PLANNING DIRECTOR
KLAMATH COUNTY, OREGON

IN THE MATTER OF LOREN AND ELSIE LOVENESS FOR A MINOR PARTITION IN
CONJUNCTION WITH AGRICULTURAL USE (MNP 37-90)

ORDER

1. NATURE OF THE REQUEST:

The applicant wishes to partition property in conjunction with permitted uses in the Agricultural zones. The property contains 385 acres and the request is to allow the division of the property into two parcels, one of 165 and a second of 220 acres.

This request was reviewed by the Planning Director October 24, 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 Planning Director in review of this application was Carl Shuck. The Planning Department report was prepared by Kim Lundahl, Senior Planner.

3. LEGAL DESCRIPTION:

The subject property is located in portions of the NE 1/4 section 12 T 41S R 12E and portion section 7 T 41S R 13EE W.M.. Generally located east of Malin Loop Rd., east of Malin.

4. RELEVANT FACTS:

The property is within the Agricultural plan designation and has an implementing zone of EFU-C. The property is 385 acres in size and is under Farm Deferral. Staff review indicates the property is presently cultivated and devoted to agricultural production.

A. ACCESS: The property is accessed by Malin Loop Rd., a county maintained paved road extending east from Malin.

B. FIRE PROTECTION: The property is within the Malin Fire District and the nearest substation is approximately 4 miles from the project site. The re-

sponse time to the site is 10 minutes. Residential development is not proposed by this application.

C. LAND USE: The property is a parcel of 385 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.

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 highly suited to agricultural uses. These area is rated as Class III and IV for Land Capability Classification. The soils and their specific properties are set out in the U.S.D.A. publication SOIL SURVEY OF MIAMATH 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-e, and all offered evidence show that the approval criteria as set out in the code has been satisfied.

A. The Planning Director 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 parcels as proposed do conform to the typical size existing commercial farm units surrounding the property. 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 fifteen to two hundred twenty, with many in the 100 acre size. 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 & IV type soils.

The Planning Director finds the parcels can be operated as viable commercial farm units. The Planning Director specifically finds that the smallest parcel is as an economically viable agricultural parcel.

D. The Planning Director 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.

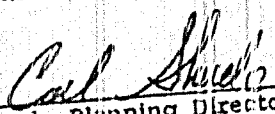
3. The ODFW in their letter dated 10-2-90 indicate they would oppose additional residential development as the area is an identified high density deer winter range. The Planning Director finds this response moot as additional residential use is not proposed by this application.

6. ORDER:

Therefore, it is ordered the request of Loren and Elsie Loveness for approval of MNP 37-90 is approved subject to the following conditions:

1. Applicant must comply with agency conditions and code requirements prior to filing.
2. The final plat for the partition must be prepared by a Registered Land Surveyor.

DATED this 29th day of October, 1990


 Carl Shuck, Planning Director

21440

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 24th day
 of Oct. A.D. 19 90 at 3:25 o'clock PM. and duly recorded in Vol. M90
 of Deeds on Page 21437.

FEE none

Evelyn Biehn. County Clerk

By Quinn M. Anderson

Return: Commissioners Journal