

BEFORE THE PLANNING DIRECTOR
KLAMATH COUNTY, OREGON

IN CONSIDERATION OF THE REQUEST OF DAVID JENSEN FOR A MINOR PARTITION IN
CONJUNCTION WITH AGRICULTURAL USE (MNP 47-90)

ORDER

1. NATURE OF THE REQUEST:

The applicant wishes to partition property in conjunction with permitted uses in the Agricultural zones. The property contains 156 acres and the request is to allow the division of the property into two parcels, one of 59 and a second of 97 acres.

This request was reviewed by the Planning Director January 23, 1991 pursuant to Ordinances 44 and 45. The request was reviewed for conformance with Land Development Code section 54.070 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 section 14, T 41S R 10E W.M.. Generally located south and west of Merrill on the State line.

4. RELEVANT FACTS:

The property is within the Agricultural plan designation and has an implementing zone of EFU-C. The property is 156 acres in size and is under Farm Deferral. Staff review indicates a portion the property is presently cultivated with the remainder used as grazing land and devoted to agricultural production.

A. ACCESS: The property is accessed by the Merrill-Whitelake Rd., a county maintained paved road extending west from South Merrill Rd..

B. FIRE PROTECTION: The property is within the Merrill Fire District and the nearest substation is approximately 4 miles from the project site. The response time to the site is 10 minutes. Additional residential development is not proposed by this application.

C. LAND USE: The property is a parcel of 165 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 on a ridge trending northwest-southeast with essentially level areas.

E. SOILS: The Soil Conservation Service mapping of the site indicates the property is within the Stukel Soil Series. These series are rated as Class IV 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 adequate 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 54.070 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, as conditioned, 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 50 acre size. The parcel sizes proposed are above this average within one mile.

C. Additional findings as required by section 54.070 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 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.

6. ORDER:

Therefore, it is ordered the request of David Jensen for approval of MNP 47-90 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.

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3. Parcels created by this partition are to be a minimum of 59 acres in size.

DATED this 23rd day of January, 1991

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 Planning Department a Notice of Appeal as set out in Article 33 of the Code, together with the required fee within seven 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 seventh day or next business day if the seventh 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 25th day of Jan. A.D., 19 91 at 11:38 o'clock A M., and duly recorded in Vol. M91 of Deeds on Page 1627.

FEE none

Evelyn Biehn - County Clerk
By Deborah Mullendore

Return: Commissioners Journal