

BEFORE THE PLANNING DIRECTOR
KLAMATH COUNTY, OREGON

IN CONSIDERATION OF THE REQUEST OF KENT AND STEVE GOODING FOR A MINOR PARTITION IN CONJUNCTION WITH AGRICULTURAL USE (MNP 48-90)

ORDER

1. NATURE OF THE REQUEST:

The applicant wishes to partition property in conjunction with permitted uses in the Agricultural zones. The property contains 60 acres and the request is to allow the division of the property into two parcels, one of 10 and a second of 50 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 8, T 39S R 10E W.M.. Generally located south and west of the intersection of Hwy 140 and Reeder Rd., east of Klamath Falls.

4. RELEVANT FACTS:

The property is within the Agricultural plan designation and has an implementing zone of EFU-C. The property is 60 acres in size and is under Farm Deferral. Staff review indicates a portion of the property is the "Goodong Egg Ranch." This use is long established. The remainder of the property is devoted to barley, potatoes and alfalfa.

A. ACCESS: The property is accessed by Hwy 140 and Reeder Rd., maintained paved roads.

B. FIRE PROTECTION: The property is within the Klamath County Fire District

#1. The nearest substation is approximately 2 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 60 acres of agricultural property. The existing land use includes the "Gooding Egg Ranch" which produces eggs at the rate of 15 million plus per year. 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 Soil Series. These series are rated as Class III & 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 are consistent with the area and continued use as agricultural parcels.

B. The proposed parcels are of sufficient size to support the existing use a commercial egg production facility and mixed agricultural enterprise. 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 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 as it is a high quality egg production facility.

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 Kent and Steve Gooding for approval of MNP 48-90 is granted 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.

3. Parcel 1 shall be surveyed if the acreage is 10.00 acres or less.

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 week-end 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., 1991 at 11:39 o'clock A M., and duly recorded in Vol. M91,
of Deeds on Page 1631.
Evelyn Biehn County Clerk
By Pauline Muelendore

FEE none

Return: Commissioners Journal