

IN CONSIDERATION OF THE REQUEST OF WILLIAMS FOR A MINOR PARTITION IN CON-  
JUNCTION WITH AGRICULTURAL USE (MNP 32-91)

## ORDER

1. NATURE OF THE REQUEST:

The applicant wishes to partition property in conjunction with permitted and conditionally permitted uses in the Agricultural zones. The property contains 637 acres and the request is to allow the division of the property into two parcels, one of 377 and a second of 260 acres.

This request was reviewed by the Planning Director June 26, 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 sections 26, 27, 28, 34 and 35, T 34S R 8E W.M.. Generally located seven miles east of Chiloquin on the Sprague River Hwy.

4. RELEVANT FACTS:

The property is within the Agricultural plan designation and has an implementing zone of EFU-CG. The property is 637 acres in size and is under Farm Deferral. Staff review indicates a portion the property is presently used as grazing land and devoted to agricultural production.

A. ACCESS: The property is accessed by the Sprague River Hwy., a county maintained paved road extending east from Chiloquin.

B. FIRE PROTECTION: The property is not within a structural fire protection district. Additional residential development is not proposed.

C. LAND USE: The property is a parcel of 637 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 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 Klamath association. 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 100 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 Robert and Suzanne Williams for approval of MNP 32-91 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 24th day of ~~June~~ July, 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.

MNP 32-91 WILLIAMS

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STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County the 26th day of July A.D., 19 91 at 11:15 o'clock A.M. and duly recorded in Vol. M91 of Deeds on Page 14618.

FEE none

Evelyn Biehn, County Clerk

By Danney J. Williams

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