

BEFORE THE PLANNING DIRECTOR
KLAMATH COUNTY, OREGONIN THE MATTER OF LP 37-93 FOR FERGUSON
TO DIVIDE LAND IN THE FORESTRY
ZONE INTO THREE PARCELS

ORDER

1. NATURE OF THE REQUEST:

The applicant wishes to divide 648 acres in conjunction with permitted forest use north and west of Chiloquin. In conjunction with this request, the applicant filed a land partition which depicts the property as being divided into 184, 252 and 211 acre parcels.

The request was reviewed by the Planning Director AUGUST 25, 1993 pursuant to Ordinances 44 and 45. The request was reviewed for conformance with Land Development Code section 55.090 A.

2. NAMES OF THOSE WHO PARTICIPATED:

The Planning Director in review of this application was Carl Shuck. The Planning Department Staff Report was prepared by Kim Lundahl, Senior Planner. Written testimony has been received and reviewed as noted on the exhibit list.

3. LEGAL DESCRIPTION:

The subject property is located in portions of sections 19, 20, 28 & 29, T 34S R7E, generally located north of the North Chiloquin Rd., between Hwy 97 and the Crater Lake Hwy.

4. RELEVANT FACTS:

The property is within the Forestry plan designation and has an implementing zone of Forestry. The parent parcel is 648 acres in size. Applicants information indicate the property is timbered and moderately sloped, native grasses and brush being the predominant plant species. The Planning Director finds the factual information set out in the Staff Report and attached Exhibits accurately reflects the property status.

The applicant states the historic use of the property has been timber

management, a permitted use in the Forestry zone.

The land use in all compass directions is resource oriented.

5. FINDINGS:

All evidence submitted as the staff report, exhibits b-f, show that the approval criteria as set out in the code has been satisfied. The Planning Director finds this application conforms with the criteria set out in L.D.C. section 55.090 A as follows:

- A. The proposed division is compatible with other lands zoned Forestry in the area, because; the predominant use in the area is forestry. All land that adjoins the subject property is devoted to similar land use. These parcels are being utilized in the same manner, existing and proposed, as the project site. The parcel size proposed exceeds the minimum required for the zone, 80 acres. The applicant states there are no recreational uses on this property.
- B. The proposed division is consistent with the Forest use policies as provided in the Klamath County Comprehensive Plan, because; The proposal will perpetuate forest values found in the area as the acknowledged plan/zone minimum lot size of 80 acres is sufficient to maintain forestry uses 1-7 as defined within Goal 4 of the Statewide Planning Goals. The minimum lot sizes of the proposed parcels, 184 acres, meets the minimum lot size and has been reviewed by the ODFW for conformity with deer winter range. The Planning Director finds the property will be utilized consistent with forest use policies as the applicant intends to perpetuate the use of the property for forestry purposes, i. e. timber management.
- C. The project will not materially alter the stability of the overall land use pattern of the area nor substantially add to the demand for increased roads or other public facilities and services, because; In that the proposed and current use is consistent with Goal 4, the proposed division is consistent with the intent of the Plan and will perpetuate the forest uses and

will have no impact on the stability of the area. The Planning Director finds applicants exhibit "b" sets out examples of similar use/development in the immediate area. The impact on public services resultant from this partition are found to be of no significance.

D. The proposed division provides for resultant parcels of sufficient size to ensure:

1. that forest uses will be the primary use on such lands because: The applicant has demonstrated and the Planning Director finds the current use of the land is "Forestry Use" as defined by Goal 4 of the Statewide Planning program. These uses will not be modified or compromised by the application considered and conditioned by the Planning Director.
2. that non-forest uses are necessary and accessory to the primary use as a forest operation because: Non-forest uses are not a consideration of this application and the Planning Director finds this criteria does not apply.
3. that forest practices will not be adversely impacted because: this application is found consistent with Statewide Planning Goal 4 by demonstration of the Staff Report and exhibits received for the record, all of which indicate forestry use will be continued on both parcels.
4. that the division is consistent with the provisions of Section 83.007; The area is included within the County's "Goal 5" inventory mapping, significant resources. The minimum parcel sizes are at the minimum (80 acres) required by this designation. This project has been reviewed by the ODFW and no response has been received.

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6. ORDER:

Therefore, it is ordered the request of FERGUSON for approval of LP 37-93 is approved subject to the following conditions:

1. LP 37-93 must comply with agency conditions and code requirements prior to filing.

DATED this 25~~4~~ day of AUGUST, 1993

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.

REQUIREMENTS FOR FINAL APPROVALPartition No. LP 37-93/Ferguson

NOTE: THIS APPLICATION WILL EXPIRE ONE YEAR FROM THE PRELIMINARY APPROVAL DATE IF A TIME EXTENSION APPLICATION IS NOT MADE PRIOR TO THAT DATE.

FINAL PLAT REQUIREMENTS (Per Section 45.110 of the Land Development Code)

- A. Original Drawing - The original drawing of a partition plat shall be made in permanent black India type ink on 7 mil mylar, 18 inches by 24 inches in size with an additional 3 inch binding edge on the left side. The plat shall be of such a scale as required by the County Surveyor. The lettering of the approvals, the affidavit of the surveyor and all other information shall be of such a size or type as will be clearly legible, but no part shall come nearer any edge of the sheet than 1 inch. The original drawing shall be recorded in the County Clerk's office.
- B. Copy - One exact copy of the original plat made in permanent black India type ink or silver halide permanent photocopy on minimum 4 mil mylar, 18 inches by 24 inches in size shall be submitted to the Planning Director along with the original plat.
- C. Information shown on Plat:
 1. The partition number.
 2. The name of the person for whom the partition was made.
 3. Signature Blocks for the following:
 - a. Planning Director;
 - b. County Surveyor;
 - c. County Public Works Director (if applicable);
 - d. County Clerk;
 - e. Owner and contract purchaser of the subject property (if applicable).
 4. All requirements of ORS 92.050, 92.070(1), and ORS 209.250 where applicable.
 5. Street names adjacent to the partition.
 6. Water rights recording number. If a water right is not appurtenant to the property, a statement signed by the owner indicating such shall be shown on the plat.
- D. Supplemental Information to be filed with the Final Plat:
 1. A preliminary title report or partition guarantee issued by a title company in the name of the owner of the land and prepared within 30 days prior to submittal of the final plat showing all parties having any record title interest in the premises and what interest they have.
 2. A completed water rights statement if a water right is appurtenant to the property.

OTHER REQUIREMENTS:

1. The partition is exempt from surveying requirements.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County the 26th day
 of Aug. A.D. 19 93 at 10:31 o'clock A M., and duly recorded in Vol. M93,
 of Deeds on Page 21464.

FEE \$none

Evelyn Biehn County Clerk

By Daniel Muelandore

Return: Commissioners Journal