

BEFORE THE PLANNING DIRECTOR
KLAMATH COUNTY, OREGON

IN CONSIDERATION OF THE REQUEST OF GIACOMINI FOR A LAND PARTITION IN CON-
JUNCTION WITH AGRICULTURAL USE (LP 58-93)

ORDER

1. NATURE OF THE REQUEST:

The applicant wishes to partition property in conjunction with permitted uses in the Agricultural zones. The property contains 76.1 acres and the request is to allow the division of the property into two parcels, one of 38.6, and a second of 37.5 acres.

This request was reviewed by the Planning Director DECEMBER 22, 1993 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 property is described as a portion of the S 1/2 SW 1/4 Sec. 5, T 41S R 11E. The subject property is correctly depicted on the preliminary map of LP 58-93 and is located two miles east of Merrill, north of Hwy 39.

4. RELEVANT FACTS:

The property is within the Agricultural plan designation and has an implementing zone of EFU-C. The property is 76.1 acres in size and is under Farm Deferral. Staff review indicates the property is presently used for grazing, grain and potatoes.

A. ACCESS: The property is accessed by Hwy 39, a state maintained paved highway.

B. FIRE PROTECTION: The property is within a structural fire protection district (Merrill RFD).

C. LAND USE: The property is a parcel of 76.1 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 north slope face of 0-5%.

E. SOILS: The Soil Conservation Service mapping of the site indicates the property is within the LAKI-HENLEY (Class III) Soil Series and is suitable to agricultural production. 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 or potential commercial farm production. Surrounding farm units range in size from five to two hundred twenty, with many in the 30 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 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 GIACOMINI for approval of LP 58-93 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 22nd day of DECEMBER, 1993



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.

REQUIREMENTS FOR FINAL APPROVAL

Partition No. LP 58-93/Giacomini

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 22nd day
of Dec. A.D., 1993 at 3:35 o'clock P. M., and duly recorded in Vol. M93
of Deeds on Page 34319

FEE none

Evelyn Biehn County Clerk

By Pauline M. Nulander