

BEFORE THE PLANNING DIRECTOR
KLAMATH COUNTY, OREGON

IN THE MATTER OF LP 30-94 FOR FRANK WALLACE
TO DIVIDE LAND IN THE FORESTRY
RANGE ZONE INTO THREE PARCELS

ORDER

1. NATURE OF THE REQUEST:

The applicant wishes to divide 560 acres in conjunction with permitted forest uses south of Buesing Rd., 3/4 mile west of Chin Rd., west and north of Merrill.

In conjunction with this request, the applicant filed a land partition which depicts the property as being divided into parcels of 80, 400 and 80 acres.

The request was reviewed by the Planning Director MAY 25, 1994 pursuant to Ordinances 44 and 45. The request was reviewed for conformance with Land Development Code Article 55.2 (ORD 44.39).

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. Letters in opposition were received from Lowe, Lund and Gearhard and are received as Exhibits f - h.

3. PROPERTY DESCRIPTION:

The subject property is located in portions of Section 32, T 40S R 10E, Sections 5 & 8, T 41S R 10E. Generally located south of Buesing Rd., 3/4 mile west of Chin Rd., north and west of Merrill.

4. RELEVANT FACTS:

The property is within the Forestry Range plan designation and has an implementing zone of Forestry Range. The parent parcel is 560 acres in size. Applicants information and staff visitation indicate the property is NOT timbered and is moderately sloped and commercially farmed, native grasses and brush are also present.

The soils within the proposed partition range from Class III to VI.

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 livestock grazing and field crops, permitted uses in the Forestry Range zone.

The land use to the west, south and north is Agriculture. A commercial mineral extraction site is located on the east boundary and subsequent residential development will be affected by this inventoried resource.

5. FINDINGS:

All evidence submitted as the staff report, exhibits b-g, 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. Article 55.2* (Ord 44.39) as follows:

A. The proposed division is compatible with other lands zoned Forestry Range in the area, because; the predominant uses in the area is agriculture. Large lot rural residential uses exist to the east along with a commercial mineral extraction site.

The existing use, agriculture, will be maintained on the parcels along with range management practices. 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, 80 acres, meets the minimum lot size acknowledged for the zone. 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 resource purposes, i.e. agriculture, grazing, and range 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 Goals 3, 4, & 5, 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 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 resource 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 "Resource Use" as defined by Goals 3 & 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 resource practices will not be adversely impacted because: this application is found consistent with Statewide Planning Goals 3 & 4 by demonstration of the Staff Report and exhibits received for the record, all of which indicate resource use will be continued on all parcels.

4. that the division is consistent with the provisions of Section 83.007; The property itself is NOT included within the County's "Goal 5" inventory mapping, significant resources. HOWEVER, an inventoried mineral extraction site exists to the west and residential use of parcels 2 & 3 of the proposed partition will be affected by Articles 57 & 81 regulating such placement. The residential setback required is 1000 feet to distance conflicting uses as identified by the Code.

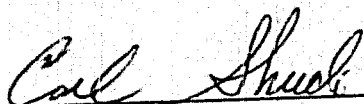
The minimum parcel sizes are at or above the minimum (80 acres) required by this zoning designation. This project has been reviewed by the ODFW and no response has been received.

6. ORDER:

Therefore, it is ordered the request of FRANK WALLACE for approval of LP 30-94 is approved subject to the following conditions:

1. LP 30-94 must comply with agency conditions and code requirements prior to filing including the acquisition of the off-site easement indicated in the preliminary map.
2. This approval will expire one year from the date below unless the map is recorded or an extension of time is approved by the Planning Director.

DATED this 25th day of MAY, 1994



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 30-94/Wallace

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.
2. To establish a residence or other use where domestic sewage wastes will be generated on this parcel, applicant needs to comply with OAR Chapter 340 for On-Site Sewage Disposal.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County the 31st day
of May A.D., 19 94 at 9:09 o'clock A.M., and duly recorded in Vol. M94
of Deeds on Page 17003

Evelyn Biehn County Clerk

By Pauline Mickelson

FEE none

Return: Commissioners Journal