

**BEFORE THE PLANNING DIRECTOR
KLAMATH COUNTY, OREGON**

**IN CONSIDERATION OF THE REQUEST, LP 31-95, FOR
ERNEST HOPPER, TO DIVIDE PROPERTY FOR AGRICULTURAL USE**

1. NATURE OF THE REQUEST:

The applicant wishes to partition property in conjunction with permitted uses in the Agricultural zone. The parent property is 188.6 acres and it is requested a division of this property into parcels of 93.4 & 95.2 acres be approved. This request was reviewed by the Planning Director MAY 24, 1995 pursuant to Ordinances 44 and 45. Also considered were the requirements of HB 3661 effective November 4, 1993 and included within the Land Development Code as Ordinance 44.39. The request was reviewed for conformance with Land Development Code section 54.070 and ORS 215.243.

2. PARTICIPANTS:

The application was reviewed by Planning Director Carl Shuck. The Planning Department report was prepared by Kim Lundahl.

3. LOCATION:

The property is located north and south of Teare Ln., Langell Valley, four miles SE of Bonanza. The property is described as portions of Sections 19 and 30, T 39S R 12E.

4. RELEVANT FACTS:

The property is within the Agricultural Plan Designation and has an implementing zone of EFU-CG. The parent parcel is 188 acres in size and is under Farm Deferral. Staff review indicates the property is presently used for cattle grazing and grass hay.

Access is accomplished via Teare Ln. which bisects the partition property and creates a natural division.

Structural Fire Protection is provided by the Bonanza RFD with a station four miles west.

Topography of the property is generally level.

The property is presently and historically used for agriculture.

The predominant soil is the HARRIMAN LOAM (23A) and is rated Class IIe for Capability. This soil association is further explained in the USDA publication, SOIL SURVEY OF KLAMATH COUNTY, Southern Part.

5. FINDINGS:

All evidence submitted as the staff report, exhibits a - d, and all offered evidence show the approval as set out in Code has been satisfied.

A. The Planning Director finds this application conforms with the criteria set out in LDC section 54.070 and ORS 215.243 as follows:

1. The parcels as proposed do conform to the typical size of 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 dominant land uses. 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 80 to 320 acres. The average agricultural parcel size is 80 acres.

C. Additional findings as required by section 54.070 include:

1. Each parcel is sufficient in area to support the existing or potential commercial production of farm products when parcel size, soil classification, and typical yields are considered. Each parcel is sufficient in area to support commercial agricultural production and consists of suitable soils. The Planning Director finds the parcels can be operated as viable commercial farm units. The Planning Director specifically finds the smallest parcel (80 acres) is an economically viable parcel.

D. The Planning Director finds this partition in furtherance of ORS 215.243 since it will continue the agricultural use of the property and not result in a change in the existing land use of the area.

6. ORDER:

Therefore, it is ordered the request of ERNEST HOPPER for approval of LP 31-95 is granted subject to:

1. The applicant must comply with agency conditions and code requirements prior to filing.
2. The applicant must file the approved partition within one year of the date below or apply for an extension of time.

DATED this 24~~th~~ day of MAY, 1995



Carl Shuck, Planning Director

NOTICE OF APPEAL RIGHTS

You are hereby notified 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 31-95/Hopper

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. Applicant is required to pay all advalorem taxes, any additional taxes, special assessments, fees, interest and penalties prior to partition being recorded.
2. The partition is exempt from surveying requirements.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County the 25th day
of May A.D., 19 95 at 3:22 o'clock p M., and duly recorded in Vol. M95
of Deeds on Page 13896.

RETURN: Commissioners Journal

Bernetha G. Lisch, County Clerk

FEE None

By Bernetha G. Lisch