

**IN THE MATTER OF LP 41-95 FOR JIM O'CONNOR
TO DIVIDE LAND IN THE FORESTRY RANGE
ZONE INTO THREE PARCELS****ORDER****1. NATURE OF THE REQUEST:**

The applicant wishes to divide 1266 acres in conjunction with permitted forest uses 1.5 miles south and west of the intersection of Cheyne and Buesing Rds., north and west of Merrill.

In conjunction with this request, the applicant filed a land partition which depicts the property as being divided into three parcels, 80, 946 and 240 acres each.

The request was reviewed by the Planning Director JUNE 28, 1995 pursuant to Ordinances 44 and 45. The request was reviewed for conformance with Land Development Code Articles 55 & 55.2.

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.

3. PROPERTY DESCRIPTION:

The subject property is generally located north and west of Merrill. The legal description is on file in the case folder.

4. RELEVANT FACTS:

The property is within the Forestry Range plan designation and has an implementing zone of Forestry Range. The parent parcel is 1266 acres in size. Applicants information and staff visitation indicate the property is moderately sloped and commercially managed, native grasses and brush are also present.

The soils within the proposed partition range from Class IV to VII.

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 timber management, permitted uses in the Forestry Range zone.

The land use to the west, south and north is Forestry Range zoned.

5. FINDINGS:

All evidence submitted as the staff report, exhibits a-d, 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 the L.D.C. as follows:

A. The proposed division is compatible with other lands zoned Forestry Range in the area, because; the predominant uses in the area are forestry and the permitted uses thereof.

The existing use, forestry, 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 size of the proposed parcels, 80 acres, exceeds 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 is included within the County's "Goal 5" inventory mapping, Medium to Low Density Deer Winter Range, and does indicate parcel size greater than required.

6. ORDER:

Therefore, it is ordered the request of JIM O'CONNOR for approval of LP 41-95 is approved subject to the following conditions:

1. LP 41-95 must comply with agency conditions and code requirements prior to filing.
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 28th day of JUNE, 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.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County the 30th day
of June A.D., 19 95 at 1:47 o'clock P M., and duly recorded in Vol. M95
of Deeds on Page 17132.

Bernetha G. Letsch County Clerk

FEE No Fee.

By

Annette Mueller