

BEFORE THE PLANNING DIRECTOR
KLAMATH COUNTY, OREGON

IN CONSIDERATION OF THE REQUEST, LP 56-96, FOR
GAVIN RAJNUS, TO DIVIDE PROPERTY FOR AGRICULTURAL USE

1. NATURE OF THE REQUEST:

The applicant wishes to partition property in conjunction with permitted agricultural uses in the Forest Range zone. The parent property is 1949 acres and it is requested a division of this property into parcels of 80 & 1869 acres be approved. This request was reviewed by the Planning Director NOVEMBER 27, 1996 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 sections 55.2, 54.090 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 west of Malin, at the intersection of Paygr and Transformer Rds. The property is described as portions of Sections 25, 26, 35 & 36 T 40S R 11E.

4. RELEVANT FACTS:

The property is within the Forestry Range Designation and has an implementing zone of FR. The parent parcel is 1949 acres in size and is under Farm Deferral. Staff review indicates the property is presently used for potatoes, wheat and cattle grazing.

Access is accomplished via Paygr and Transformer Rds., bordering the property.

Structural Fire Protection is provided by the Malin RFD with a station five miles west.

The property is presently and historically used for agriculture.

The property, due to its size and topography contains many soil associations.

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 Gavin RAINUS for approval of LP 56-96 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 29th day of NOVEMBER, 1996

Carl Shuck
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 29th day
of November A.D., 19 96 at 1:06 o'clock P.M., and duly recorded in Vol. M96
of Deeds on Page 37484.

Bernetha G. Letsch, County Clerk

FEE No Fee Return: Commissioners
Journal

By Arthur Ross