

BEFORE THE PLANNING DIRECTOR
KLAMATH COUNTY, OREGON

IN THE MATTER OF LP 47-98 FOR ODOT TO
SEPERATE A PARCEL IN THE FORESTRY ZONE
FOR CONVEYANCE TO ODFW

STAFF REPORT &
PROPOSED ORDER
10-14-98

1. NATURE OF THE REQUEST:

The applicant wishes to create a 167.73 acre parcel for conveyance to ODFW in conjunction with permitted forest and wildlife uses west of Hwy 140 W. In conjunction with this request, the applicant filed a land partition, which depicts the property as separated from the existing Hwy ROW. The Planning Director reviewed the request OCTOBER 28, 1998 pursuant to Ordinances 44 and 45. The request was reviewed for conformance with Land Development Code section 55.090 A.

2. NAMES OF THOSE WHO PARTICIPATED:

The Planning Director in review of this application was Carl Shuck. Kim Lundahl, Senior Planner, prepared the Planning Department Staff Report.

3. LEGAL DESCRIPTION:

The subject property is depicted on LP 47-98 on file at the Planning Department and is generally located on the west shore of Klamath Lake, 4 miles west of the Running Y Resort on Hwy 140W.

4. RELEVANT FACTS:

The property is within the Forestry plan designation and has an implementing zone of Forestry. The created parcel is 167.73 acres in size. Applicants information indicate the property is timbered and steeply sloped and is devoted to wildlife habitat (Bald Eagle nest sites). The applicant states the historic use of the property has been timber management, a permitted use in the Forestry zone. The land use in all compass directions is resource oriented.

5. FINDINGS:

All evidence submitted shows that the approval criteria as set out in the code have been satisfied. The Planning Director finds this application conforms to the criteria set out in L.D.C. section 55.090 A. as follows:

A. The proposed division is compatible with other lands zoned Forestry in the area, because; the predominant use in the area is forestry. All land that adjoins the subject property is devoted to similar land use. These parcels are being utilized in the same manner, existing and proposed, as the project site. The parcel size proposed exceeds the minimum required for the zone, 80 acres. The applicant states the parcel will be conveyed to ODFW for use as wildlife habitat.

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 parcel, 167 acres, meets the minimum lot size and has been reviewed by the ODFW for conformity with wildlife use. 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 wildlife 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 Goal 4, 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 forest uses will be the primary use on such lands because: The applicant has demonstrated and the Planning Director finds the current use the land is "Forestry Use" as defined by Goal 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 forest practices will not be adversely impacted because: this application is found consistent with Statewide Planning Goal 4 by demonstration of the Staff Report and exhibits received for the record, all of which indicate forestry/wildlife management will be the predominant use.


4. That the division is consistent with the provisions of Section 83.007; The area is included within the County's "Goal 5" inventory mapping, significant resources. The minimum parcel sizes are above minimum (80 acres) required by this designation. This project has been reviewed by the ODFW and found consistent.

6. ORDER:

Therefore, upon review of the information and exhibits on file, it is ordered the request of ODOT for approval of LP 47-98 is approved subject to the following conditions:

1. LP 47-98 must comply with agency conditions and code requirements prior to filing.

DATED this 28th day of OCTOBER, 1998.


 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.

REQUIREMENTS FOR FINAL APPROVAL

Partition No. 47-98/ODOT

NOTE: THIS APPLICATION WILL EXPIRE ONE YEAR FROM THE PRELIMINARY APPROVAL DATE IF A TIME EXTENSION IS NOT MADE PRIOR TO THAT DATE.

FINAL PLAT REQUIREMENTS (Per Section 45.100 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 of type as will be clearly legible, but not 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 final 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 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 ad valorem taxes, any additional taxes, special assessments, fees, interest and penalties prior to partition being recorded.
2. The partition is exempt from surveying requirements due to parcel size.
3. Comply with ODOT Letter of 8-3-98

EX 8

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County Planning the 30th day
 of October A.D., 19 98 at 11:51 o'clock A. M., and duly recorded in Vol. M98
 of Deeds on Page 39877

Return: Commissioners Journal

FEE No Fee

By Bernetha G. Letsch, County Clerk