

**BEFORE THE PLANNING DIRECTOR  
KLAMATH COUNTY, OREGON  
REPORT/ORDER**

**IN CONSIDERATION OF THE REQUEST, LP 34-99, FOR  
MARSHALL/SHUCK 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 Exclusive Farm Use and Forestry Range zones. The parent property is 973 acres and it is requested a division be permitted of this property into two parcels, 660 and 313 acres. The Planning Director reviewed this request NOVEMBER 24, 1999 pursuant to Ordinances 44 and 45. The request was reviewed for conformance with Land Development Code sections 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 on North Poe Valley Rd., 1.5 miles east of Hwy 140E.

**4. RELEVANT FACTS:**

The property is within the Agriculture and Forestry Plan Designations and has implementing zones of EFU-CG and FR. The parent parcel is 973 acres in size and is under Farm Deferral. Staff review indicates the property is presently used for grazing and pasture. Access is accomplished via County roads. The property has historically and will continue to be 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, and all offered evidence show the approval as set out in Code has been satisfied.

The Planning Director finds this application conforms to 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 pasture are the dominant land uses. These are permitted uses in the Agricultural and Forestry 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 650 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 parcels created are economically viable parcels.

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 MARSHALL/SHUCK for approval of LP 34-99 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 24th day of NOVEMBER, 1999



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 APPROVAL

46862

Partition No. 34-99/Marshall and Shuck

**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 advalorem 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.

State of Oregon, County of Klamath  
Recorded 11/29/99, at 8:20 a. m.  
In Vol. M99 Page 46860  
Linda Smith,  
County Clerk Fee\$ NC