

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

**IN THE MATTER OF LP 42-99 FOR HOPKINS TO  
DIVIDE PROPERTY ZONED FORESTRY/RANGE**

**STAFF REPORT &  
ORDER**

**1. NATURE OF THE REQUEST:**

The applicant wishes to divide a 128.7-acre parcel into three parcels, with parcel 1 being 14.7 acres, parcel 2 being 20.0 acres and parcel 3 being 94.0 acres for Non-Agriculture divisions. This land partition is permitted and reviewed in conformance under Article 55.2(Forestry Range Zone), Section 55.230, para A, and Section 54.090 para B, creation of non-agriculture divisions. The Planning Director reviewed the request December 22, 1999 for conformance with the Land Development Code.

**2. NAMES OF THOSE WHO PARTICIPATED:**

The Planning Director in review of this application was Carl Shuck.

**3. LEGAL DESCRIPTION:**

The subject property is depicted on LP 42-99 on file at the Planning Department and is described as a parcel within a portion of sections 7, 8, and 18 of T40S, R8EWM, tax lots 2301, 2300, 2500, and 600, generally located two miles southeast of Keno.

**4. RELEVANT FACTS:**

The property is within the Forestry plan designation and has an implementing zone of F/R. The parent parcel is 128.7 acres in size. Applicants information indicate the property is not timbered and is steeply sloped in areas. The parcel is not in a wildlife habitat. The applicant states the historic use of the property has predominant class soils of VI and VII, and indicated by exhibits C and C-1, soil survey and soil map. The land is not 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. Article 55.2, Section 55.230, para A and Section 54.090, para B as follows:

- A. The proposed division is compatible with other lands zoned Forestry/Range in the area, because; the predominant use in the area is forestry/range. All land that adjoins the subject property is similar in land use. These parcels are being utilized in the same manner, existing and proposed, as the project site. The parcel sizes proposed meet the criteria as set out under Section 55.230 and Section 54.090.
- B. The proposed division is consistent with the Forest/Range use policies as provided in the Klamath County Comprehensive Plan, because; The proposal meets the predominant soil class of VII as indicate in the SCS manual.
- C. The Planning Director finds the property will be utilized consistent with forest/range use.
- D. 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 4 & 5, the proposed division is consistent with the intent of the Plan, 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.

E. The proposed division provides for the creation of parcels less than the minimum lot size and shall be non-agriculture divisions because of the following:

1. That the forest/range uses will be the predominant use on such lands because: The applicant has demonstrated and the Planning Director finds the current use the land is "Forestry Range Use" as indicated by exhibits. These uses will not be modified 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/range operation because: the uses considered for this application is for creation of parcels less than the minimum lot size.

3. That the this type of division is consistent with the provisions of Section 55.230 and 54.090.

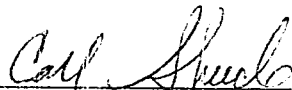
4. That the division is consistent with the provisions of said Sections and did not receive opposition to the application made under said sections of the Land Development Code. This project has been reviewed by the ODIW and no response was sent to the Planning Department.

5. **ORDER:**

Therefore, upon review of the information and exhibits on file, it is ordered the request of HOPKINS for approval of LP 42-99 is approved subject to the following conditions:

1. LP 33-99 must comply with agency conditions and code requirements prior to filing.
2. Make sure your access easement is not a portion of the easement owned by the Peacores and that your proposed easement goes around their property to Keno-Worden Road.

DATED this 27<sup>th</sup> day of December, 1999.



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. LP 42-99/Hopkins

**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.
- 3. Indicate which parcels have access via which easements, and whether easements are exclusive/nonexclusive and public/private. Indicate whether the easement to Parcel 3 is also for utilities.

State of Oregon, County of Klamath  
 Recorded 12/29/99, at 8:44 a. m.  
 In Vol. M99 Page 50973  
 Linda Smith,  
 County Clerk      Fee \$ NC

Return to Commissioner's Journal