

BEFORE THE PLANNING DIRECTOR
KLAMATH COUNTY, OREGON

1 IN THE MATTER OF REQUEST FOR)
MINOR PARTITION 8-89 FOR)
2 CRAIG AND LINDA LONG) FINDINGS OF FACT; CONCLUSIONS OF
3) LAW

4 This matter came before the Planning Director on April 26,
5 1989, per Article 22, Section 22.002(E) and reviewed per Section
6 51.020(H) of the Land Development Code in order to satisfy the
7 partitioning requirements of the Forestry zone.

8 Review of this application was scheduled for April 19, 1989,
9 and continued to April 26, 1989, in order for applicant to provide
10 additional information regarding Section 51.020(H) of the Land
11 Development Code.

12 In reviewing the application and the added evidence and
13 criteria as requested, the Planning Department makes the following
14 Findings of Fact and Conclusions of Law:

15 FINDINGS OF FACT:

16 1. The applicant has applied for a Minor Partition to divide
17 approximately 1,204.8 acres into three parcels of 160, 153, and
18 891.8 acres.

19 2. The property is located in a portion of Section 36, Town-
20 ship 32, Range 8, and portions of Sections 1 and 12, Township 33,
21 Range 8, and a portion of Section 30, Township 32, Range 9.

22 3. The total acreage of the site is approximately 1,204.8
23 acres with the zoning being F (Forestry) with purpose being to
24 preserve and protect lands for timber production and related uses,
25 such as, grazing of cattle and forestry uses.

26 4. In reviewing significant resource map, the 1,204.8 acres
27 is not in a deer winter range; however, Hogs Creek meanders through
28 portions of the site. The resource map indicates a portion of

1 Hogs Creek has a flood plain; however, no buildings are proposed
2 that would be affected by the flood plain.

3 5. The majority of the soils and timber in Section 30,
4 Township 39, Range 9 have a rating of VI. Portions of Sections
5 1 and 12 of Township 33, Range 8 indicate no timber rating avail-
6 able and has a soil rating of V, which is Parcel 3. A portion of
7 Section 36, Township 32, Range 8 has a soil rating of VI and a
8 timber rating of V which is approximately 200 acres of Parcel 3.

9 6. The existing use within a two mile radius of property is
10 typical of use intended, that is grazing of cattle and sheep.
11 Adjacent lands are National Forest owned with a permit for nearby
12 property owner to range cattle during the summer months. Lands
13 in the area consist of meadows with scattered trees.

14 7. The proposed division does not alter any present forestry
15 uses and is compatible with uses within the Forestry zone. The
16 U.S. Forest Service sells the timber and allows grazing permits
17 for cattle and sheep on areas not timbered. Cattle are rotated
18 to enhance the resource and are withheld from areas where new tree
19 plantation has occurred. Any cattle permits issued are controlled
20 by the Forest Service.

21 8. Parcel sizes within the area range in size from 22,409
22 acres to a low of 20 acres. Abutting the site to the west are
23 scattered parcels of 20 and 30 acres each with other parcels being
24 80 and 356 acres in size. Parcels to the northeast and east range
25 in size from 20 to 80 acres. The 22,409 acre parcel is that of
26 the U.S. Forest.

27 9. A portion of one parcel to be partitioned will be set up
28 to receive cattle as well as shipping the cattle.

1 10. The proposed division will create three parcels with
2 all three parcels continuing to be consistent with the Forestry
3 zone permitted uses.

4 11. The proposed partition will not alter the overall land
5 use pattern as area has historically been used for grazing and
6 some forestry uses. There is minimal growing of Lodgepole Pine
7 along outer boundaries of total area.

8 12. The proposed division has access through U.S. Forest
9 service road. No roads would be created. No public services
10 would be needed for this partition as the division is to be for
11 forestry uses.

12 13. Parcels of 160 acres, 153 acres, and 891.8 acres are
13 sufficient in size and are typical in the area of those used to
14 pasture and graze cattle. The parcels are all separately fenced
15 and can individually support approximately one cow/calf unit per
16 five acres of land with very minimal management and cost.

17 14. Applicant submitted a five-year management plan for the
18 separate parcels with information based on past usage of fenced
19 off parcels for the last 50 years.

20 Five Year Management Plan

21 a. Parcel 1 - 160 acres - existing and continuing use
22 grazing of cattle - summer use only, April 30 to October 1, 32
23 pairs of cattle are a lease basis, \$10 a head @ \$320 x 5 months
24 equals \$1600 and at 5 years x \$1600 equals \$8000 gross.

25 b. Parcel 2 - 153 acres - existing and continuing use
26 grazing of cattle, April 30 to October 1, @ 30 pairs of cattle
27 on a lease basis @ \$10 a head @ \$300 x 5 months equals \$1500 and
28 at 5 years x \$1500 equals \$7500 gross.

1 c. Parcel 3 - 891.8 acres - existing use and continuing use
2 grazing of cattle, April 30 to October 1, @ 178 pairs of cattle
3 on a lease basis @ \$10 a head x \$178 equals \$1780 x five months
4 equals \$8900 and at five years x \$8900 equals \$44,500.

5 15. Presently, there is a two-room cabin used only for stay-
6 ing during times requiring cattle management. No facilities to
7 cabin. Approximately 200'+/- nearby is a spring for water.
8 There are no buildings closer than 100 feet to boundary lines and
9 no other buildings presently proposed.

10 CONCLUSIONS OF LAW:

11 1. The proposed division for use is typical of commercial
12 forest enterprises within a two mile radius with existing use
13 to be continued as has been in the last 50 years.

14 2. The proposed division is compatible with forest uses
15 in the area and will not interfere with forest practices as
16 defined and regulated per ORS 527.610 to 527.730.

17 3. The proposed division is consistent with the forest
18 use policies as provided in Klamath County's Comprehensive Plan.

19 4. The proposed division does not materially alter the
20 stability of the overall land use pattern in the area nor substan-
21 tially add to increased roads or other public facilities.

22 5. The proposed division provides for resultant parcels of
23 sufficient size and will ensure that 1) Forest uses will be the
24 primary use; 2) Forest practices regulated under ORS 527.610 to
25 527.730 will take place in a cost-effective manner.

26 6. Applicant submitted a five-year management plan for
27 permitted uses, that of grazing of cattle and indicating gross
28 amounts for each parcel. Applicant's evidence states the primary

1 emphasis in this zone will be for the maintenance and management
2 of the Forestry zone.

3 ORDER:

4 The request for a Minor Partition for division of 1,204.8
5 acres into three parcels for forest permitted uses on above
6 described property is hereby granted.

7 DATED THIS 18th DAY OF MAY, 1989.

8
9 Carl Shuck
10 Carl Shuck, Planning Director

11
12
13 STATE OF OREGON,
14 County of Klamath ss.

15 Filed for record at request of:

16 Klamath County
17 on this 18th day of May A.D., 19 89
18 at 3:33 o'clock P.M. and duly recorded
19 in Vol. M89 of Deeds Page 8641.
20 Evelyn Biehn County Clerk
21 By Darlene M. McManis

22 Fee, none

23 Deputy.

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28 Return: Commissioners Journal