

1 IN THE MATTER OF THE REQUEST)  
2 FOR MINOR PARTITION 1-89 FOR)  
3 GERALD AND LORNA DOUGLAS )

FINDINGS OF FACT; CONCLUSIONS OF  
LAW

4 This matter came before the Planning Director on February 22,  
5 1989, per Article 22, Section 22.002(E), and reviewed per Section  
6 51.021(E)(a) of the Land Development Code in order to satisfy  
7 the partitioning requirements of the Forestry Range zone.

8 Review of this application on February 22, 1989, was con-  
9 tinued to March 22, 1989, and to April 24, 1989, in order for  
10 applicant to provide to the Planning Department information  
11 addressing the criteria from Section 51.021(E)(a); Section 83.004  
12 (C)(1)(a-c), (C)(2)(a-g); and Section 83.005(2).

13 Applicant provided to the Planning Department the criteria  
14 under Section 51.021(E), which was sent to DLCD on 3-20-89 for  
15 their review.

16 In reviewing the added evidence and criteria as requested by  
17 the Planning Department, the Planning Department makes the  
18 following Findings of Fact and Conclusions of Law:

19 FINDINGS OF FACT:

20 1. The applicant has applied for a minor partition to  
21 divide 194 acres into two parcels, with Parcel 1 being 141 acres  
22 in size and Parcel 2 being 53 acres in size.

23 2. The property is located in a portion of Section 29, Town-  
24 ship 39, Range 13, being Tax Lot 100.

25 3. Parcel 2, the 53-acre parcel is split by Gerber Road,  
26 a paved road which allows access to each parcel. No survey was  
27 required by the County Surveyor.

28 4. The total acreage of the partition is 194 acres with a

1 not interfere with forest practices with adjacent lands since  
2 the surrounding area is similar in vegetation, terrain, that  
3 being Juniper trees and 5-35 percent slopes.

4 11. Any proposed development on Parcel 2, the 53-acre  
5 parcel, will be below a rock rim. The rock rim enters the  
6 parcel in the northeast portion which, per applicant, is where  
7 the deer range is and would not alter or disturb the range.

8 12. The proposed effect would not change the size of parcel  
9 or proposed use as lot is split by Gerber Road and any development  
10 would be away from the deer range.

11 CONCLUSIONS OF LAW:

12 1. The proposed partition would be compatible with uses in  
13 the Forestry Range zone as total acreage of partition will con-  
14 tinue same use.

15 2. The proposed partition does not materially alter the  
16 stability of the overall land use pattern in the area nor sub-  
17 stantially add to the demand for increased roads or public facili-  
18 ties.

19 3. The proposed partition is consistent with the forest use  
20 policies as provided in the Klamath County Comprehensive Plan as  
21 applicant commented to the significant resource section.

22 4. The proposed division provides for resultant parcels of  
23 sufficient size to ensure:

24 a. That forest range uses will be the primary use of  
25 such lands;

26 b. That non-forest uses are necessary and accessory to  
27 the primary use as a forest range operation;

28 c. That forest practices regulated under ORS 527.610 to

1 zoning designation of FR (Forestry Range) which has a 40-acre  
2 minimum lot size, with exception that Parcel 2, the 53-acre  
3 parcel is in a high density deer winter range which requires  
4 80 acres when development is clustered.

5 5. In order for applicant to meet the criteria of Section  
6 83.004(C), Limit Conflicting Uses, applicant met with Fish and  
7 Wildlife on April 13, 1989, to 1) discuss the type of resource;  
8 2) determine the exact location of resource; and 3) discuss  
9 their development and management plan that would allow for the  
10 resource and development to occur.

11 6. Per applicant, Fish and Wildlife, the responsible agency  
12 gave applicant no indication to the above three issues in para-  
13 graph 4 (see attached).

14 7. Applicant discussed the above issues with the Planning  
15 Department on April 18, 1989, and was issued a copy of criteria  
16 from Section 93.004(C)(2) for applicant to make findings when  
17 responsible agency doesn't determine what the issues are.

18 8. On April 21, 1989, applicant brought in to the Planning  
19 Department their applicable findings to meet criteria of Section  
20 83.004(C)(2) (see attached).

21 9. Parcel 2, 53 acres in size, has a soil site class of  
22 VII, with soil type being Lorella with slopes ranging from 5-35  
23 percent. These soils are found on ridge slopes with native  
24 plants, mainly that of sagebrush and Juniper trees. No timber  
25 rating for partition indicated on soil map; however, applicant  
26 indicated forest site rating of VII due to the area being pri-  
27 marily scattered Juniper.

28 10. Applicant stated that the proposed partition would not

527.730 will not be adversely impacted;

d. That where applicable, proposed division is consistent with the provisions of Section 83.007.

5. Applicant's submitted evidence states primary emphasis in this zone will be for the continuing use and management of the proposed site.

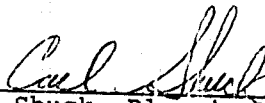
CONDITIONS:

Any development shall meet all required standards and setbacks for fire safety in the FR zone (Section 51.021(F)(1-7).

ORDER:

The request for a Minor Partition for division of 194 acres into two parcels for Forest Range use on above described property is hereby granted.

DATED THIS 18<sup>th</sup> DAY OF MAY, 1989.

  
Carl Shuck, Planning Director

STATE OF OREGON,  
County of Klamath ss.

Filed for record at request of:

Klamath County  
on this 18th day of May A.D., 19 89  
at 3:33 o'clock P.M. and duly recorded  
in Vol. M89 of Deeds Page 8646  
Evelyn Biehn  
County Clerk

By Pauline Mullins

Fee, none

Deputy.

Return: Commissioners Journal