

BEFORE THE PLANNING COMMISSION  
KLAMATH COUNTY, OREGONIN THE MATTER OF MAJOR PARTITION 38-89 FOR  
CARL DOUMANI

ORDER

1. NATURE OF THE REQUEST:

The applicant wishes to partition approximately 1,484 acres into two parcels of approximately 366 and 1,118 acres in size. Parcel 1 is zoned EFU-CG, an 80 acre minimum ag zone with Parcel 2 being zoned EFU-CG and FR, 80 and 40 acre minimums.

This request was heard by the Planning Commission on October 24, 1989, pursuant to Ordinances 44 and 45 and reviewed for conformance with Land Development Code Sections 51.013(E)(1)(a) and 51.021(E)(1)(a).

2. NAMES OF THOSE WHO PARTICIPATED:

The applicant appeared and offered testimony in support of the application. The Planning Department was represented by Carl Shuck, Planning Director. The recording secretary was Karen Burg. Legal assistance was given by Michael L. Spencer, County Counsel. There was a quorum of the Planning Commission present.

3. LEGAL DESCRIPTION:

The subject property is located in Sections 20, 29, 32, and 33, Township 39S, Range 11EWM, and portion of Section 4, Township 40S, Range 12EWM, and is generally located three miles southwest of the Town of Bonanza on the southeast side of Harpold Road.

4. RELEVANT FACTS:

The property is zoned EFU-CG and FR with lot size in each zone being an 80

'89 NOV 15 AM 9 53

acre and 40 acre minimum. Approximately 50 percent of the property is split by each zone designation. Size of site is approximately 1,484 acres.

5. FINDINGS:

All evidence submitted, Exhibits A-F, and offered testimony indicate that the criteria for approval as set out in the Land Development Code has been satisfied. The Planning Commission finds this application conforms with criteria because:

- A. The proposed partition is compatible with surrounding land uses and size of parcels. Large parcels in area range in size from 1,122 acres down to 80 acres with uses being agriculture and grazing.
- B. The proposal being in large parcels of 366 and 1,118 acres will meet the agriculture and forestry range use as parcels will remain in their respective use and utilize the existing dwellings for management of the farm operations. Adjacent lands are also of large size with same use.
- C. The partition meets the minimum lot size of each zone applied with each parcel being average or larger in surrounding area of comparison.
- D. Site is located on land with soil classification of II and III with remaining soil classification being VI and VII. In spots, there is a timber site rating of VII to no rating at all. The soil class of II and III is on the 366 acre parcel with remaining land in Class VI and VII.
- E. Portion of site is in a high density deer winter range. The portion that is in a deer winter range is the 1,118 acre portion with the 366 acre parcel being out. The approximately 1,118 acre parcel is well above the lot size as required per Section 33.005(2).

F. Site is in the Bonanza Fire Protection District and is approximately 3 miles southwest of Bonanza where nearest fire station is located. Other rural services to site include telephone and electricity which will be a minimal impact because of existing development.

#### 6. ORDER:

Therefore, it is ordered the request of Carl Doumani for approval of Major Partition 38-89 is approved subject to the following conditions:

1. Major Partition 38-89 must comply with agency conditions and code requirements prior to filing.

DATED this 14th day of November, 1989

Presiding Officer of the Planning Commission

[Signature]  
Secretary to the Planning Commission

Carl Shuck

Approved as to form and content:

[Signature]  
Michael L. Spencer, County Counsel

#### 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 Section 33.004 of the Code, together with the required fee within ten days of the date of mailing of this decision. The notice must be received by the Planning Department no later than 5:00 P.M. on the tenth day or next business day if the tenth day falls on a weekend or holiday. Failure to file a notice of appeal within the time provided will result in the loss of your right to appeal this decision.

MJP 38-89/DOUMANI

Page 3

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County the 15th day of Nov. A.D., 19 89 at 9:53 o'clock A.M., and duly recorded in Vol. M89 of Deeds on Page 22082.

FEE none

Evelyn Biehn, County Clerk

By Pauline Muller

Return: Commissioners Journal