

## BEFORE THE HEARINGS OFFICER OF KLAMATH COUNTY, OREGON

In the Matter of the Request ) C.U.P. Case No. 10-89  
for a Conditional Use Permit ) FINDINGS OF FACT, CONCLUSIONS  
for JACK and KATHY PROW. ) OF LAW AND ORDER

THIS MATTER came before Deputy Hearings Officer Michael C. Miller on April 6, 1989 in the Klamath County Commissioners' Hearing Room and was continued to allow the applicants time to respond to the Department of Land Conservation and Development objections. This matter was resubmitted on May 18, 1989. The applicants were present and represented themselves. The Klamath County Planning Department was represented by Mr. J. Kim Lundahl, and there was no Recording Secretary. The Klamath County Planning Department's file and all contents thereof were incorporated into the record as evidence. The Deputy Hearings Officer, after reviewing the evidence presented, makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT:

1. The Applicants proposed to establish a residential use on 6.1 acres in the FR Zone, not in conjunction with forestry use.
2. The parcel has previously been clear cut. It currently has 8 trees, 2 of which are Pine and 6 of which are Junipers. Other vegetation includes bunch grass and sagebrush. The Sprague River forms one boundary to the property, and there is approximately 360' of river frontage.
3. The property has a water well and septic tank already

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installed. It has DEQ Permit No. 6250 dated August 13, 1979. The septic system was inspected again on December 8, 1988. The water well is 84' deep and produces approximately 25 gallons of water a minute.

4. The wild life on the property consists of small field animals and birds of prey. The Applicants deny having seen any deer on the property apparently because there is very little vegetation on the property for deer to eat. The property is unsuitable for production of forest crops and grazing due to the poor vegetation.

5. The proposed use will not alter the overall land use pattern of the area. The Applicants testified that there are approximately 7 dwellings within a 1 mile radius and about 50 dwellings within a 5 mile radius. There are a number of structures visible from the proposed building site. The property is approximately 1 mile west of the Wolf Flat Subdivision wherein approximately 1/3 of the lots have been developed. About 1/4 mile to the east is the Tule Room Tavern and a commercial campground.

6. The Applicants have contacted the Chiloquin Agency Lake Rural Fire Protection District that indicates it would respond to structure fires if it had available man power and equipment. The Oregon Department of State Forestry has been notified of the proposed development and has not filed any objection to it. The Applicants intend, in cooperation with the Chiloquin Agency Lake Rural Fire Protection District, to install a fire hydrant on the property. That device will enable fire fighters to replenish

their water supply by pumping from the Sprague River. The installation of the fire hydrant will be at the Applicants' expense.

CONCLUSION AND ORDER:

1. The nonforest use is compatible and will not interfere with accepted forestry practices on adjacent lands devoted to forestry uses.
2. The proposed use will not materially alter the stability of the overall land use pattern of the area.
3. The proposed use is situated on land generally unsuitable for the production of forest crops and livestock.
4. There will be no loss of productive forest lands.
5. The proposed development meets the standards relating to the availability of fire protection as set forth in Article 69 of the Land Development Code and will not overtax other rural services.
6. The Applicants have agreed to comply with the conditions set forth in the Order.
7. The Conditional Use Permit to establish a nonforestry residence in the FR Zone is granted on condition that the Applicants establish and maintain a fire hydrant which will permit fire fighting equipment to pump water from the Sprague

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River. Said equipment shall become operational by January 1, 1990.

DATED THIS 24th day of May, 1989.

Michael C. Miller  
Michael C. Miller  
Deputy Hearings Officer

Klamath County Land Development Code Section 24.007 provides:  
"An Order of the Hearings Officer shall be final unless appealed within ten (10) days of its mailing by a party having standing in accordance with the procedures set forth in Chapter 3, Article 33 of this Code."

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County the 6th day  
of June A.D., 19 89 at 3:56 o'clock P M., and duly recorded in Vol. M89  
of Deeds on Page 9996.  
FEE none  
Evelyn Biehn County Clerk  
By Michael C. Miller

Return: Commissioners Journal

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER -4-