

BEFORE THE KLAMATH COUNTY PLANNING COMMISSION
KLAMATH COUNTY, OREGON

IN THE MATTER OF CUP 63-91 TO ESTABLISH
A MUNICIPAL WELL FOR THE CITY OF KLAMATH FALLS

ORDER

NATURE OF APPLICATION

A hearing on this application was held before the Planning Commission on October 27, and December 3, 1992. The applicant, the City of Klamath Falls, requested a Conditional Use Permit to establish a municipal well on a 3.97 acre parcel zoned R-5 (Rural Residential - 5 acre minimum). This application was reviewed pursuant to Article 44 of the Klamath County Land Development Code. A quorum of the Planning Commission was present.

NAMES OF THOSE INVOLVED

The applicant, City of Klamath Falls was represented by Jeff Ball. The Planning Department was represented by Carl Shuck, Planning Director. The recording secretary was Karen Burg, Administrative Secretary. The neighboring residents were represented by David Mannix.

EXHIBITS

Klamath County Exhibits A - ZZ were made part of the record.

LOCATION

The 3.97 acre parcel for the proposed municipal well is located in a portion of Section 7 of Township 38, Range 9, tax lot 1900.

RELEVANT FACTS

The applicant requested a Conditional Use Permit Application for a municipal well on 3.97 acres. The zoning designation of the proposed site is R-5(Rural Residential 5 Acre Minimum). The zoning designation in the surrounding area and parcels abutting site for municipal well is zoned R-5.

The testimony from the representative of the City of Klamath Falls, indicated that the water supply source is necessary to provide fire protection services to the Merle West area and is consistent with Policy 9 of Goal 11 of the Land Development Code. The sustained fire flows are essential due to the potential of high life loss exposure.

The water supply source also meets the water demands for growth occurring within the urban growth boundary in the OIT/Merle West Hospital area.

The location of this well site in the Wocus area was a result of a 1989 hydrology study prepared for the City.

Testimony indicated that the City's well is three to four times deeper than surrounding wells. Two pump tests indicated that there would be no adverse impact on neighboring wells.

The neighbors in the surrounding area testified to the quality and quantity of their wells and in opposition to the adverse affect that the City well may have on their wells.

CONCLUSIONS AND ORDER

The Klamath County Planning Commission finds the applicant has satisfied the pertinent review criteria as set out in Article 44 of the Klamath County Land Development Code.

Therefore, the Klamath County Planning Commission conditionally approves Conditional Use Permit 63-91 request for a municipal water well in the Wocus area.

CONDITIONS

1. 650 gallons per minute will be the maximum pumping rate.
2. The City Of Klamath Falls will have an independent company measure the static level and run quality tests on the wells at 30 day intervals starting 90 days before the pumping starts and then for one year after pumping begins.
3. A copy of the test will be given to the well owners and the Klamath County Planning Commission by the tenth of each month for the previous month's test.
4. If water quality decreases or if there is unacceptable drawdown of existing wells, the City of Klamath Falls will stop pumping immediately.
5. If number 4 condition happens, the City of Klamath Falls will guarantee the other well owners that the City of Klamath Falls will supply owners, clean, safe water in the amount neighboring well users had before, either by a City water system at no cost to the owners or by re-drilling existing wells deeper if necessary.
6. Any well owner that will not cooperate with the City of Klamath Falls for the testing will not be included in the City guarantee.

Carl Shuck 12/22/92
SECRETARY TO PLANNING COMMISSION

Approved as to Form and Content

Reginald R. Davis
REGINALD R. DAVIS, COUNTY COUNSEL

NOTICE OF APPEAL RIGHTS

You are hereby notified this decision may be appealed to the Board of Commissioners within 7 days following the mailing of this order. Failure to do so in a timely manner may affect your right to appeal this decision.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of _____ the 23rd day
of December _____ A.D., 19 92 at 2:31 o'clock P. M., and duly recorded in Vol. M92
of _____ Deeds on Page 30605.

Evelyn Biehn County Clerk

FEE \$0.00

By Reginald R. Davis