

**FOREST DWELLING - LOT OF RECORD  
ADMINISTRATIVE REVIEW/DISPOSITION**APPLICANT: CUP 44-98 --*SPULLER FOR SCALO*

HO Hearing: 7-10-98

REQUEST: To establish a "FOREST DWELLING" on 20 acres zoned Forestry. The predominant land use is found to be Forestry, hence the provisions of Article 55 apply. This is a **LOT OF RECORD** application. This dwelling will be of conventional construction and will be the only residence on this tract. Property Size is 20 acres.

LOCATION: 1/8 mile east of Pine Cone Dr., 1/2 mile east of Woodland Park, north of Chiloquin.

LEGAL DESCRIPTION: por S 1/2 NW 1/4 Sec. 14, T 34S R 7E

ZONE/PLAN: Forestry

DEFERRAL: NO

ACCESS: various recorded esmnts - see application.

UTILITIES: WATER: Well FIRE: C/AL RFPD

SEWER: Septic ELECTRIC: Pacific Power

NARRATIVE AND RECOMMENDATION: The applicant wishes to establish a FOREST DWELLING. No resource use has been made of the subject property. The property encompasses 20 acres and is found NOT TO BE HIGH VALUE FARMLAND. As the ownership predates January 1, 1985, LOT OF RECORD provisions apply.

**DISPOSITION: APPROVAL**

Based on our review, the residence applied for is necessary to the primary use of the property, forestry. The applicant supplied information documenting this dwelling can be considered via the LOT OF RECORD criteria. This application and request is found to comply with the review criteria as set forth in the Klamath County Land Development Code Article 55, adopted in response to HB 3661, and conditioned on the following:

1. *Clearances for the dwelling must be obtained within two years of the date below.*

All conditions on the attached Exhibit A

DATED this 10 day of July 1998

  
Joan-Marie Michelsen, Hearings Officer

**NOTICE:** An Order of the Hearings Officer may be appealed to the Board of County Commissioners within seven days of its execution per the procedures set out in Article 33.

## BEFORE THE HEARINGS OFFICER OF KLAMATH COUNTY, OREGON

In the Matter of the application by:  
MARGARET SPULLER

)  
) ORDER  
) CASE NUMBER 44-98  
)

The applicants have requested permission to build one structure under a lot of record request on the property but have not requested a zoning change.

## ORDER

Therefore, it is hereby ordered that the applicants request to establish a Forest Dwelling is approved subject to the following conditions:

- a. That the septic system will be completed, approved and operational by Environmental Health Services Division and Building department.
- b. That the applicant complies fully with fire safety and other siting standards of the Land Use Code as set out in Article 69 of the LDC.
- c. That the applicant site the proposed structure within 100 feet of the Road. *150' 7-23-98*
- d. That the applicant files a restrictive covenant with the county clerk prohibiting the permit grantee and successors in interest from dividing the property or filing any complaint of any type or kind concerning presently accepted resource management practices and farming uses that may occur on nearby lands devoted to commercial or other resource use.
- e. That the applicant build no structure nor take any other action which shall impede the migration of elk other than that which is specifically permitted herein.
- f. The applicant may build outbuildings but they must meet existing limitations on number and size and be located within 100 feet of the house. *except for poultry producing facility, which may be no more than 300' away from the house along the road. 7-23-98*
- g. That any fencing or other improvements to the perimeter of the property be appropriate for a migratory elk route.
- h. That any dogs which the applicant or future owners may keep be contained.
- i. As the other residents of the area have expressed concern regarding the road, applicant is encouraged to discuss the matters of road maintenance and winter access with the other residents at the end of the road.

Dated this 10<sup>th</sup> day of July, 1998

*[Signature]*  
Joan Marie Michelsen  
Hearings Officer

NOTICE OF APPEAL RIGHTS

EXHIBIT A

27265

Your are hereby notified this application may be appealed to the Klamath County Board of Commissioners by filing with the Klamath County Planning Department a Notice of Appeal as set out in Section 33.004 of the Klamath County Land Development Code together with the fee required within SEVEN DAYS (7) following the mailing date of this order.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County  
of July A.D., 19 98 at 3:06 o'clock P. M., and duly recorded in Vol. M98  
of Deeds on Page 27263  
Return: Commissioners Journal  
By Bernetha G. Letsch, County Clerk  
Kathleen Roes

FEE

No Fee

EXHIBIT A