

BEFORE THE HEARINGS OFFICER
FOR KLAMATH COUNTY, OREGON

In the Matter of a)
REQUEST FOR A)
CONDITIONAL USE PERMIT) NO. 14-82
for) FINDINGS OF FACT AND
ARTHUR HARRIS) DECISION
_____)

THIS MATTER came on for a hearing before the Klamath County Assistant Hearings Officer, James R. Uerlings, on May 6, 1982, at 1:30 p.m. in the Conference Room of the Klamath County Library. The County Planning Department was represented by its Staff and the applicant was represented by himself. Whereupon, the Assistant Hearings Officer makes the following findings of fact, conclusions of law and decision.

FINDINGS OF FACT:

1. The applicant is the owner of the real property described as Tax Lot 8501, located in the NW $\frac{1}{4}$ of Section 3, Township 39, Range 9, Klamath County, Oregon.

2. Said site is generally located East of Washburn Way, about 400 feet South of the O. C. and E. Railroad tracks.

3. The Site abuts Washburn Way, a four-lane improved street within the City of Klamath Falls and urban Klamath County.

4. Physical features of the land include that is is a level, paved, black-topped area.

5. The existing land use is as a parking area for a skating rink. The Comprehensive Plan Designation is general

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1 commercial and the zone designation is general commercial.

2 6. Access to the property is off of Washburn Way.
3 Access to and from the proposed site is as described on the
4 applicant's modified plat plan filed and improved by the City
5 of Klamath Falls on May 7, 1982, and which is included as a part
6 of this record.

7 7. The adjacent properties include the following land
8 uses: North and East, County Road Shops; South, vacant but to
9 be the future location for Carnation County Store; and to the
10 West, vacant commercial land.

11 8. The plan designation for the adjacent properties
12 is industrial and general commercial. The zone designation for
13 the adjacent properties is heavy industrial and commercial gener-
14 al.

15 9. The access to this area has been approved and no
16 further accesses will be permitted as per County Exhibit "C"
17 which is a letter from Richard J. Steyskal.

18 10. The City of Klamath Falls, by a letter of May 6,
19 1982, requested per Klamath County Exhibit "D", that the applicant
20 submit certain data to them as set forth in Exhibit "D". The
21 applicant on May 7, 1982, submitted a plat plan which is described
22 above and made a part of this record. Said plat plan has been
23 stamped approved by Jerry Green, City Planning Department.

24 11. The parcel size is 100 feet by 160 feet. The
25 applicant intends to use the property in the construction and
26 carrying of a the business of a participant's sports facility

1 and more particularly, a area to be used for eight (8) rides
2 for children including a structure at which snacks and tickets
3 will be sold for use on the premises.

4 12. The site will be fenced by a cyclone fence six
5 (6) feet in height, the contruction of the stand will be a
6 wooden structure 12 feet by 8 feet.

7 13. There are currently a minimum of 100 parking spaces
8 available to the proposed site. These spaces are shared with
9 Skateland Roller Rink, a business which is also owned by the
10 applicant. Additional parking is available on land behind the
11 proposed site and behind the skating rink.

12 14. The amusement park which the applicant is proposing
13 for this site will be open mid-May to mid-September, from the
14 hours of 11 a.m. to 7 p.m. as there is no lighting for the
15 facility.

16 15. The site is served by utilities consisting of
17 Pacific Power and Light for electricity, Suburban Sanitary District
18 for sanitation, City of Klamath Falls for water service, and
19 telephone by Pacific Northwest Bell. Fire protection is provided
20 by County District #1.

21 16. The following Exhibits were received and offered
22 into evidence:

23 Klamath County Exhibits: "A", "B", "C", and "D".
24 Applicant's Exhibit: #1.

25 * * * * *

26 * * * * *

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18. The applicant has not received any direct comments from neighboring property owners in opposition to the proposed conditional use permit.

KLAMATH COUNTY DEVELOPMENT CODE CRITERIA:

1. Klamath County Development Code Section 44. 003 sets forth the general criteria for consideration in the application of a conditional use permit:

A. That the use is conditionally permitted in the zone in which it is proposed.

B. That the location, size, design and operating characteristics of the proposed uses is in conformance with the Klamath County Comprehensive Plan.

C. That the location, size, design and operating characteristics of the proposed development will be compatible with, and will not adversely affect the livability or appropriate development of abutting properties in the surrounding neighborhood. Consideration shall be given to the harmony in scale, bulk, coverage and density; to the availability of civic facilities and utilities; to harmful effects, if any, upon desirable neighborhood character, to the generation of traffic and the capacity of surrounding streets, and to other relevant impact of the development.

D. That the location, design and site planning of the proposed development will provide a convenient and functional living, working, shopping, or civic environment, and will be as attractive as the nature of the use and its location in this setting warrant.

2. Klamath County Code Section 44.001 sets forth the general purpose of Article 44, Conditional Use Permit, as follows: The purpose of the Conditional Use Permit is to provide a mechanism whereby uses which may be suitable only in certain locations or only if designed or operated in a particular manner may be allowed within the basic zone designation.

3. ORS 197.175 requires all zoning and related ordinances adopted by the County be in conformance with the State-Wide Planning Goals.

4. Section 51.011 of the Klamath County Development Code (General Commercial Zones) provides that, in a general commercial zone, the operation of a participant sports use is allowed under a conditional use permit.

KLAMATH COUNTY DEVELOPMENT CODE FINDINGS AND CONCLUSIONS:

1. See Findings 1-18 under the Findings of Fact section above.

2. This property is currently located within a general commercial zone within which the applicant is allowed the use of a participant sports facility upon conditional use permit. No parties have objected to the use as proposed by the applicant.

3. The plat plan as approved by the City of Klamath Falls on May 7, 1982, provides for adequate lighting, parking, and traffic flow to the proposed participant sports facility. He has therefore complied with the review criteria requiring that the location, size, design and operating characteristics of the proposed use be in conformance with the Klamath County

1 Comprehensive Plan.

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2 4. Further, the applicant's plat plan complies with
3 the condition that the location, size, design and operating
4 characteristics of the proposed use be compatible with and
5 not adversely affect livability or the appropriate development
6 of the abutting properties and the surrounding neighborhood.
7 This criteria is met since the surrounding uses are that of
8 the County road shops, a proposed Carnation Country Store,
9 and commercial vacant land with the plan designation of indus-
10 trial and general commercial.

11 5. The evidence presented by the applicant and not
12 contradicted indicates that the traffic on the applicant's
13 property and along Washburn Way, from which access to the
14 property is gained, will not be substantially increased by
15 the proposed use and the applicant, in designing his previously
16 exisiting Skateland Roller Rink, provided for adequate parking
17 and traffic flow to accomodate for this proposed use.

18 6. The applicant's plat plan, as approved by the
19 City of Klamath Falls and submitted herein, will provide for
20 convenient and functional civic environment in the particular
21 area and will be as attractive as the nature of the use and its
22 location and setting warrant.

23 STATE-WIDE PLANNING GOALS, CRITERIA AND FINDINGS:

24 See Exhibit "AA", Pages 1-6 attached hereto, and incor-
25 porated by this reference.

26 * * * * *

CONCLUSIONS OF LAW AND DECISION:

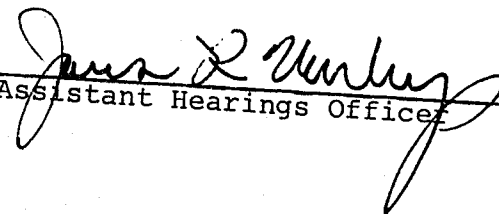
1. The request for a conditional use permit on the subject property meets all applicable Klamath County Development Code Criteria and policies governing such.

2. The request for a conditional use permit is consistent with, and complies with, all the applicable State-wide Planning Goals and Statutes.

3. Therefore, it is hereby ordered that the request by the applicant for the conditional use permit on the subject property is hereby granted provided that the applicant follows the plat plan as approved by the City of Klamath Falls and dated May 7, 1982.

Nunc pro tunc May 7, 1982.

DATED this 19 day of May, 1982.


Assistant Hearings Officer

COMPREHENSIVE PLAN POLICIES

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GOAL 1: CITIZEN INVOLVEMENT
Relevant Policies:

Policy 1: "The County shall provide for continued citizen involvement opportunities."

A hearing on this matter has been set for May 6, 1982. Notice has been sent to neighboring property owners, the South Suburban Area Committee, the City of Klamath Falls and other concerned agencies.

GOAL 2: LAND USE PLANNING
Relevant Policies:

This request is being reviewed under the provisions of the Klamath County Land Development Code, an implementation measure adopted under L. C. D. C. Goal No. 2 (Land Use Planning).

GOAL 3: AGRICULTURAL LANDS
Relevant Policies:

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The site is part of a developed commercial district within the Klamath Falls urbanized area. Goal No. 3 does not apply.

GOAL 4: FOREST LANDS
Relevant Policies:

The site is part of a developed commercial district within the Klamath Falls urbanized area. Goal No. 4 does not apply.

GOAL 5: OPEN SPACE, SCENIC AND HISTORIC AREAS,
AND NATURAL RESOURCES
Relevant Policies:

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There are no inventoried open spaces, scenic and historic areas, or natural resources which would be affected by the proposal.

GOAL 6: AIR, WATER AND LAND RESOURCE QUALITY
Relevant Policies:

The proposed concession stand will be hooked up to the City water and suburban sewer systems.

The additional noise created by this facility will be mitigated by the fact the surrounding land is all either vacant or in commercial and industrial uses. The nearest residences are about 1/3 mile away on Crosby Street. The parking and driveway areas are paved so that additional dust is not anticipated.

GOAL 7: NATURAL DISASTER AND HAZARDS AREA
Relevant Policies:

The area is not subject to natural hazards identified on Klamath County's inventory maps.

Relevant Policies:

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The intended use would provide commercial recreational facilities for the Klamath Falls urban area. At the present time "carnival" facilities of this type are only available occasionally, for a few days at a time such as during the County Fair.

Policy 4: "The County shall assist private investors seeking to establish new commercial recreation enterprises."

GOAL 9: COUNTY ECONOMY
Relevant Policies:

The proposal would add about a dozen seasonal jobs to the Klamath Falls area where unemployment is now over 15% due to depressed timber industry. The permanence of these jobs would be determined by the success of this venture's first season.

GOAL 10: HOUSING
Relevant Policies:

No effects on housing needs or availability is evident.

GOAL 11: PUBLIC FACILITIES AND SERVICES
Relevant Policies:

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Water, sewer, and electrical service are available to the site. The property is within Klamath County Fire District No. 1.

GOAL 12: TRANSPORTATION
Relevant Policies:

RTI

The site fronts on Washburn Vay which is three-lane wide. A state approved driveway now serves the property. Basin Transit Service provides bus service to Jefferson Square Mall, about 1,000 feet north of the property.

GOAL 13: ENERGY CONSERVATION
Relevant Policies:

ONSI

No minor effects on energy conservation are evident.

GOAL 14: URBANIZATION
Relevant Policies:

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The site is within the Klamath Falls urban growth boundary,
in an area designated for commercial and industrial development.



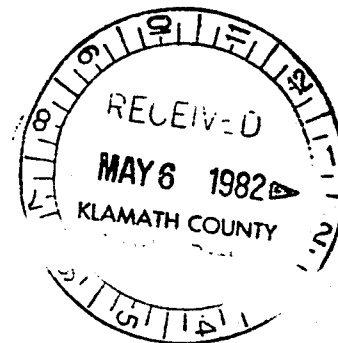
CITY OF KLAMATH FALLS, OREGON

AN EQUAL OPPORTUNITY EMPLOYER
P.O. Box 237
97601

6420

SISTER CITY
ROTORUA, NEW ZEALAND

May 6, 1982



Mr. Roy Hubard, Director
510 Main Street
Klamath Falls, OR 97601

Re: CUP 14-82

Dear Roy:

In reference to the above file, the City wishes to submit the following comments:

1. Section 41.005 of the Land Development Code require that a plot plan be submitted graphically showing information relevant to the request. We found the attached plot plan inadequate to answer the following questions:
 - a. Type and height of fence
 - b. Design and location of proposed permanent structures, i.e., concession/ticket stand, restrooms, etc.
 - c. Number and location of parking spaces
 - d. Type, amount and location of landscaping
 - e. Location and type of on-site solid waste containers
 - f. Pattern of traffic flow
 - g. Location of exterior lights

The City requests that this matter either be continued or the decision be conditioned upon submittal of a plot plan in conformance with Section 41.005 of the Land Development Code for Refer and Recommend.

Sincerely,

Jerry Green
Senior Planner

JG:dd

cc: Harold Derrah

500 KLAMATH AVENUE
MAYOR
CITY MANAGER
883-5318
ASST. CITY MANAGER
883-5317
FINANCE
(Muni Court, Licenses,
Water Service, Book-
keeping)
883-5301

MEMORIAL DRIVE
ANIMAL CONTROL
883-5379
AIRPORT
MUNICIPAL AIRPORT
883-5372

425 WALNUT STREET
POLICE DEPARTMENT
883-5371
143 BROAD STREET
FIRE DEPARTMENT
883-5381

226 SOUTH FIFTH STREET
PARKS, RECREATION
AND RECREATION
PUBLIC WORKS
CODE ENFORCEMENT
BUILDING INSPECTION
883-5371
PLANNING/BUS SYSTEM
883-5360
WATER DEPARTMENT
UTILITIES DEPARTMENT
883-5366

AREA CODE 503

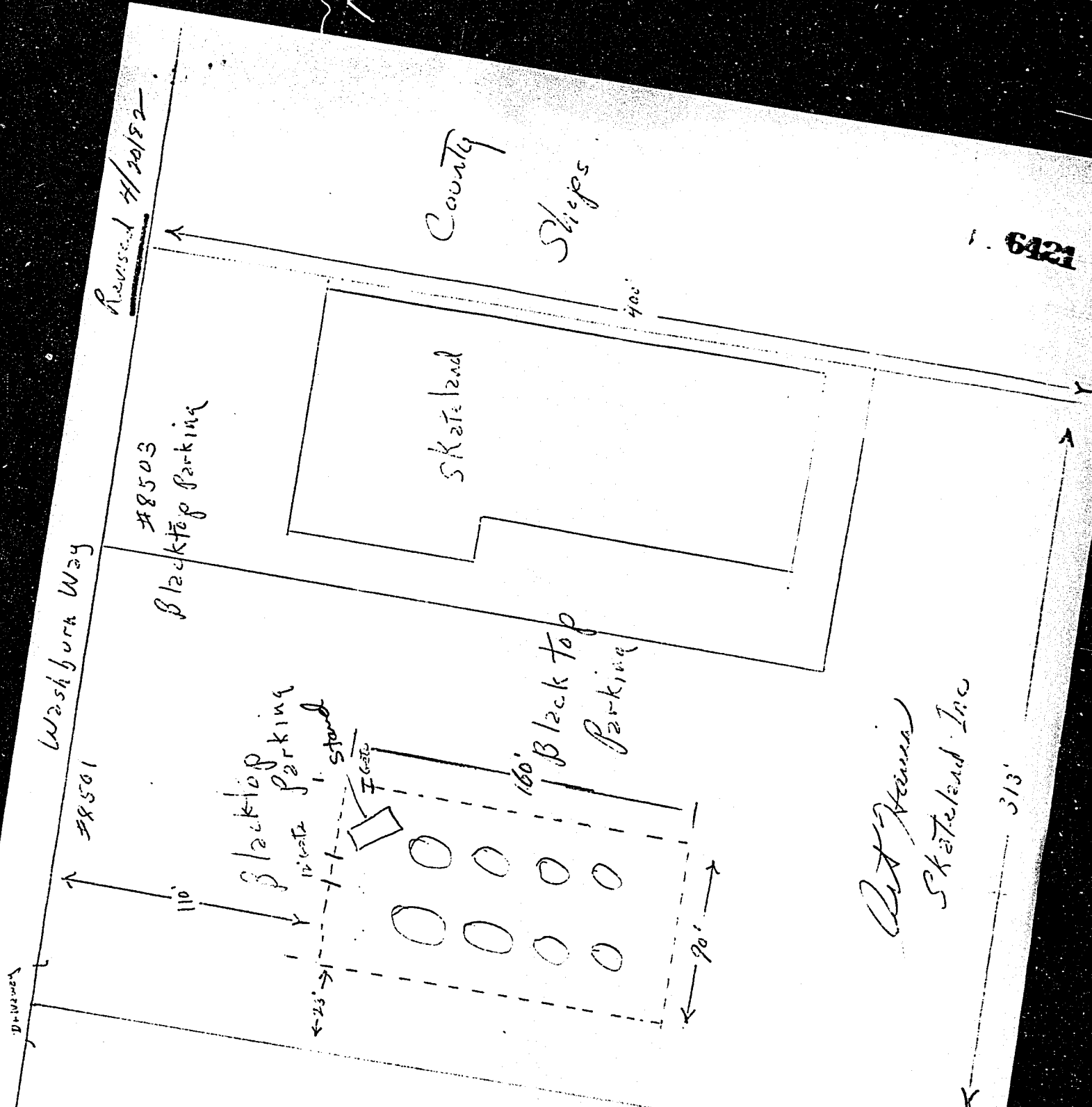
K. C. EX'D

Explanation

- Concession } Stand
- Ticket }
- Merry go round
- Fony Kart
- Tub of Fun
- Family Wheel
- Rocket
- Auto Rider
- Pillar Fort

For Summer use
From approx May 15th
to Sept 15th

NEW PLOT PLAN
REC. 4-20-82
HARRIS CUP



6421

SS40

58-41 9.11.5

F. 6423

STATE OF OREGON; COUNTY OF KLAMATH; ss.

Filed for record

this 1 day of May A. D. 19 82 at 4:00 clock P. M. and
duly recorded in Vol. M 82, of Deeds on Page 6406

No Fee

EV. LYN BIEHN, County Clerk

By Joyce McArthur