

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

Comprehensive Plan.

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

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

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

STATE-WIDE PLANNING GOALS, CRITERIA AND FINDINGS:

See Exhibit "AA", Pages 1-6 attached hereto, and incorporated by this reference.

* * * * *

CONCLUSIONS OF LAW AND DECISION:

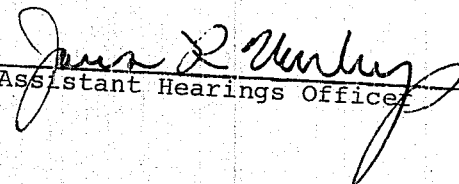
1. The request for a conditional use permit on the subject property meets all applicable Klamath County Development Code Criteria and policies governing such.

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

6413

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:

6414

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:

6415

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:

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."

6416

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:

6417

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:

DATE

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:

DATE

No minor effects on energy conservation are evident.

GOAL 14: URBANIZATION
Relevant Policies:

6418

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 Hubert, Director
210 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
Jerry Green
Senior Planner

JG:dd

cc: Harold Derrah

500 KLAMATH AVENUE
MAYOR
CITY MANAGER
883-5318
ASST. CITY MANAGER
883-5317

FINANCE
(Mail Court, Licenses,
Water Service, Book-
keeping)
883-5301

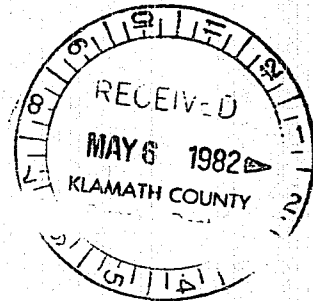
MEMORIAL DRIVE
ANIMAL CONTROL
883-5372
AIRPORT
MUNICIPAL AIRPORT
883-5372

425 WALNUT STREET
POLICE DEPARTMENT
883-5311
143 BROAD STREET
FIRE DEPARTMENT
883-5311

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

AREA CODE 503

K. C. E. V. D.

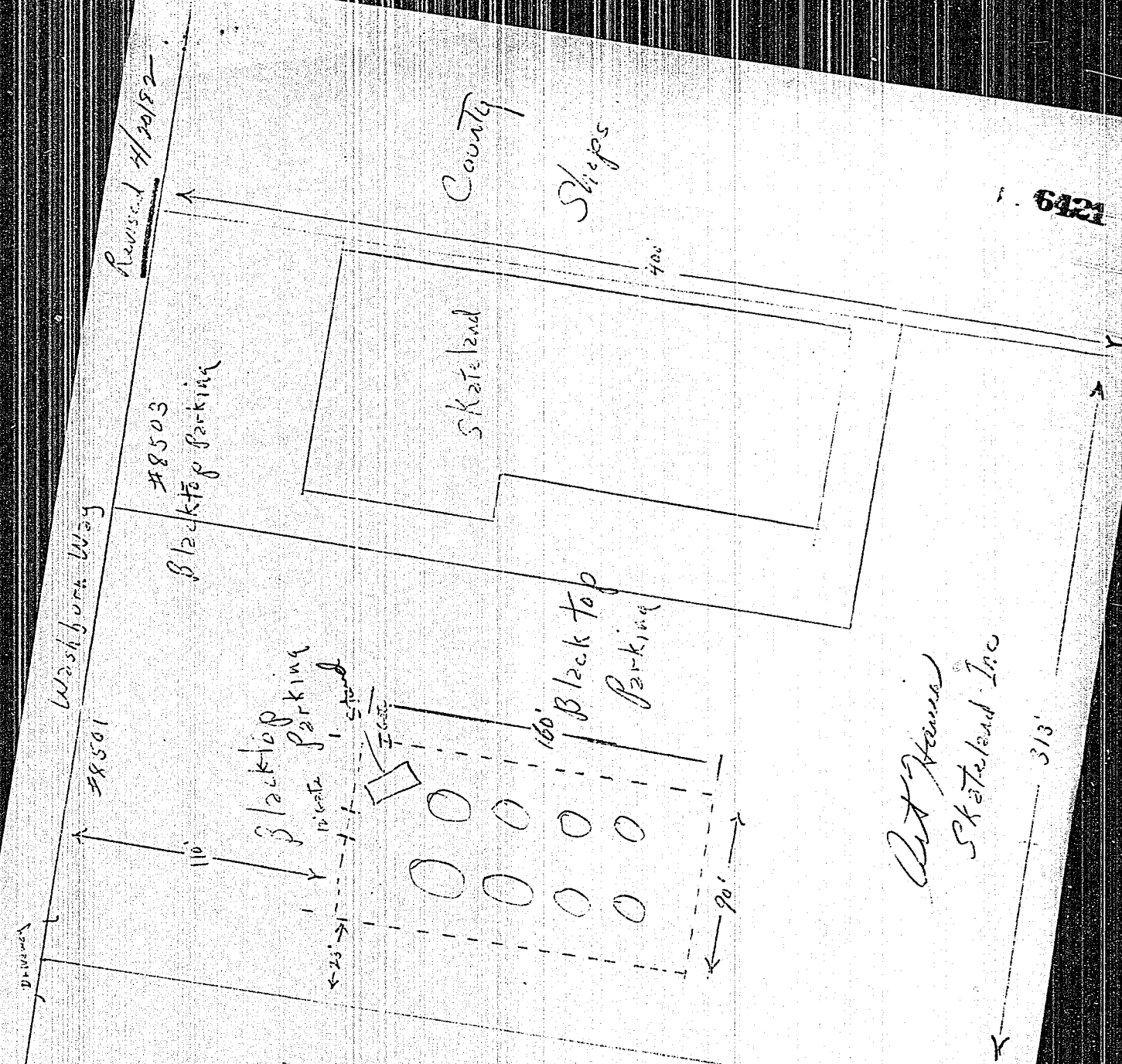


Explanation

- Concession Stand
- Ticket
- Merry go Round
- Pony Cart
- Tub of Fun
- Family Wheel
- Rocket
- Auto Ride
- Pillbox Fort

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

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



Art Harris
Skate Land Inc

313'

6421

SS10

6423

STATE OF OREGON; COUNTY OF KLAMATH; ss.

Filed for record

this 1 day of May A.D. 19 82 at 4:02 clock p.m., and
duly recorded in Vol. M 82 of Deeds on page 6406

No Fee

EV. LYNN B. BROWN, County Clerk

By Joyce McQueen