

BEFORE THE HEARINGS OFFICER
FOR KLAMATH COUNTY, OREGON

In the Matter of the
CONDITIONAL USE PERMIT

for

UNITED METHODIST CHURCH
of Beatty, Oregon

NO. 19-82

FINDINGS OF FACT
AND DECISION

THIS MATTER came on for a hearing before the Klamath County Assistant Hearings Officer, JAMES R. UERLINGS, on June 3, 1982, at 1:30 p.m. in the Conference Room of the Klamath County Library. Klamath County Planning Department was represented by its staff and the applicant was represented by TOM MEYERS, the liaison person for the church in the Beatty community. 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 subject property described as the E $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 15, Township 36, Range 12, being a portion of Tax Lot 6800 in Klamath County, Oregon. The site is generally located Northwest of the junction of Highway 140 and Godowa Springs Road in Beatty, Oregon. The physical features of the site are a level, vacant area.

2. The existing land use of the subject property is unused, the plan designation of rural community residential exists, and a zone designation of rural community residential exists.

FINDINGS OF FACT AND DECISION, Page One.

3. Access to the property is provided off Godowa Springs Road, a paved County road.

4. Adjacent properties have the existing land use of residential, commercial and agricultural. The plan designation for the adjacent property are rural community residential, transportation commercial, and agricultural. The zone designation for the adjacent property are rural community residential, rural residential, commercial highway, and agricultural with a 5-acre minimum.

5. The following Exhibits were offered and received into evidence:

Klamath County Exhibits "A", "B", "C", and "D".
Applicant's Exhibits: #1 and #2.

6. The following public utilities are provided to the site: water service by well, sanitation by septic tank, electrical service by Pacific Power and Light, telephone by Telephone Utilities.

7. The land adjacent to the proposed site currently has the Beatty Methodist Church located on it. The applicant desires to have this conditional use permit in order to allow the Beatty United Methodist Church to use a portion of its property for a church park open to the community to include playing fields, ball courts, picnic area, playground and running path. The park will be developed through the United Methodist Church Administrative Board with the help of community voluntary effort. The proposed use will be operated according to the bylaws of the Book

1 of Discipline of the United Methodist Church. Currently, there
2 are no similar facilities of any nature within a 40 mile radius
3 of the proposed site. This proposed use would serve numerous
4 surrounding communities and residences as well as the rural
5 community of Beatty.

6 8. The applicant intends to apply for additional
7 access to the proposed site from Highway 140 through the State
8 Highway Department.

9 KLAMATH COUNTY DEVELOPMENT CODE CRITERIA:

10 1. Klamath County Development Code Section 44.003
11 sets forth the general criteria for consideration in the appli-
12 cation of a conditional use permit:

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

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

18 C. That the location, size, design and operating
19 characteristics of the proposed development will be compatible
20 with, and will not adversely affect the livability or appropriate
21 development of abutting properties in the surrounding neighbor-
22 hood. Consideration shall be given to the harmony in scale,
23 bulk, coverage, and density; to the availability of civic facili-
24 ties and utilities; to harmful effects, if any, upon desirable
25 neighborhood character, to the generation of traffic and the
26 capacity of surrounding streets, and to other relevant impact

1 of the development.

2 D. That the location, design and site planning
3 of the proposed development will provide a convenient and func-
4 tional living, working, shopping, or civic environment, and will
5 be as attractive as the nature of the use and its location in
6 this setting warrant.

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

13 3. ORS 197.175 requires all zoning and related ordi-
14 nances adopted by the County be in conformance with the State-
15 wide Planning Goals.

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

20 KLAMATH COUNTY DEVELOPMENT CODE FINDINGS AND CONCLUSIONS:

21 1. See Findings 1-8 under the Findings of Fact
22 section above.

23 2. This property is currently located within a rural
24 community residential zone within which the applicant is allowed
25 the use of a community recreation park upon a conditional use
26 permit. No parties have objected to the use as proposed by the

1 applicant.

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3 3. The plot plan as submitted provides for adequate
4 lighting, parking, and traffic flow to the proposed community
5 recreation park. The applicant has therefore complied with the
6 review criteria requiring that the location, size, design and
7 operating characteristics of the proposed zone be in conformance
8 with the Klamath County Comprehensive Plan.

9 4. The applicant's plot plan complies with the
10 condition that the location, size, design and operation charact-
11 eristics of the proposed use be compatible with, and not adversely
12 affect, the livability or appropriate development of abutting
13 properties and the surrounding neighborhood. This criteria is
14 met since the applicant will substantially improve the livability
15 of this area without affecting the surrounding uses.

16 5. The applicant's plot plan will provide for a
17 convenient and functional civic environment in the particular
18 area and will be as attractive as the nature of the use in its
19 location and setting warrant.

20 STATE-WIDE PLANNING GOALS AND CRITERIA:

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

23 CONCLUSIONS OF LAW AND DECISION:

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

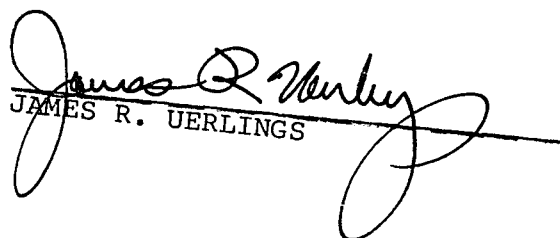
2. The request for a conditional use permit is con-

FINDINGS OF FACT AND DECISION, Page Five.

1 sistent with, and complies with, all the applicable State-wide
2 Planning Goals and statutes.

3 3. Therefore, it is hereby ordered that the request
4 by the applicant for a conditional use permit on the subject
5 property is hereby granted, provided that the applicant follows
6 the plot plan as submitted herein as Applicant's Exhibits #1 and
7 #2.

8 DATED this 8 day of June, 1982.

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JAMES R. UERLINGS

COMPREHENSIVE PLAN POLICIES

7186

GOAL 1: CITIZEN INVOLVEMENT Relevant Policies:

Notice of the hearing on this matter has been sent to neighboring property owners, the Beatty Area Committee, concerned agencies and to the Herald and News. A hearing has been scheduled for June 3, 1982, before the Klamath County Hearings Officer.

GOAL 2: LAND USE PLANNING Relevant Policies:

This proposal is consistent with the general policy in the Klamath County Land Development Code to allow for community facilities to be developed in residential zones. The proposed park is at the western edge of the community of Beatty with its mixture of residential, commercial, and public uses. The area surrounding the town is generally agricultural, consisting of irrigated pasture and hay land. There are several large rural residential subdivisions in the general area whose residents would also be served by this facility.

GOAL 3: AGRICULTURAL LANDS
Relevant Policies:

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The site consists of Class IV soils which include some of Klamath County's more productive irrigated cropland. The site has had no agricultural use in recent years and is part of the Methodist Church property now being used for a church and parsonage. The proposed park would serve as a buffer between residential and commercial uses to the east and southeast and the agricultural land to the north and west.

GOAL 4: FOREST LANDS
Relevant Policies:

The area has no timber productivity rating and is devoid of trees.

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

7188

There are no inventoried scenic, historic, or natural resources at or adjacent to this site which would be affected by the proposed park.

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

The proposed restrooms would be subject to DEQ sewage disposal standards. No negative effects on air, water, or land resource quality are apparent.

GOAL 7: NATURAL DISASTER AND HAZARDS AREA
Relevant Policies:

The area is outside the Sprague River floodplain. No other natural hazards have been identified.

GOAL 8: RECREATION NEEDS
Relevant Policies:

7189

The proposed park would provide a major recreation facility for people in the Beatty/Sprague River area. The nearest similar facilities are in Chiloquin and Bonanza at the present time. The park would include the following (per applicant's plot plan): baseball diamond, basketball and volleyball courts, a playground, running track, and picnic area.

GOAL 9: COUNTY ECONOMY
Relevant Policies:

No effects on county economy are evident.

GOAL 10: HOUSING
Relevant Policies:

The park would serve and enhance the residential areas of Beatty and would make the area more attractive for housing.

GOAL 11: PUBLIC FACILITIES AND SERVICES
Relevant Policies:

7190

The proposal would create a church facility open to public use and enjoyment. The park would be built and maintained through the Beatty United Methodist Church Bylaws of the Book of Discipline of the United Methodist Church.

GOAL 12: TRANSPORTATION
Relevant Policies:

Access to the site will be from Godowa Springs Road, a paved County road. Parking will be provided on the property.

GOAL 13: ENERGY CONSERVATION
Relevant Policies:

Developing the park would conserve energy for those people who would start using the local facility instead of driving to facilities further away.

GOAL 14: URBANIZATION
Relevant Policies:

7191

The site is within the unincorporated rural community of Beatty.
The park would be an adjunct to the existing residential and commercial uses.

STATE OF OREGON; COUNTY OF KLAMATH; ss.

Filed for record

this 9 day of June A.D. 1982 at 11:36 o'clock A/M
duly recorded in Vol. M 82, of Deeds on page 7180

No Fee

By Evelyn Biehn County Clerk

Commissioners Journal