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Vol. 188 Page 8058

BEFORE THE HEARINGS OFFICER
FOR KLAMATH COUNTY, OREGON

In the Matter of a
CONDITIONAL USE PERMIT

for

JOHN W. NELSON and
CORALIE C. NELSON

NO. 20-82

FINDINGS OF FACT
AND DECISION

THIS MATTER came on for a hearing before the Klamath County Assistant Hearings Officer, JAMES R. UERLINGS, on June 17, 1982, at 2:00 p.m. in the Conference Room of the Public Works Department of Klamath County. Klamath County Planning Department was represented by its staff, and the applicant, Coralie C. Nelson, appeared in person. No parties appeared in opposition to this matter. 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 Government Lots 4 and 7, located in Section 21, Township 35, Range 7, being a portion of Tax Lot 800. This site is generally located West of Highway 97, approximately ¼ mile North of the Williamson River, a few miles South of Chiloquin, Oregon.

2. The physical features of the site are a generally level area, with brush, some trees and a large pond.

3. The existing land use is sporadic use for a gravel pit. The plan designation is forestry. The zone designation is

FINDINGS OF FACT AND DECISION, Page One.

1 F-II.

2 4. Access to the property is along Williamson River
3 Drive, a graveled public road leading from Highway 97.

4 5. The adjacent properties have the following exisiting
5 land use; to the South and West, pasture; to the Southeast and
6 East, campground, building supply, shopping center site, motel,
7 gas station and restaurant.

8 6. The plan designation for the adjacent properties
9 is forestry, agricultural, rural residential, general commercial
10 and transportation commercial. The zone designation for the
11 adjacent properties is F-I, AU-5, RR, CR, and CH.

12 7. A letter was received from the Highway Division,
13 State of Oregon, indicating that the proposed campground may have an
14 adverse effect on safety to the traveling public and advising
15 that the projected use may require improvement to the existing
16 access with the cost to be borne by the applicant. Additional
17 input was received from the Klamath Tribe indicating that the
18 campground will benefit the economy of Klamath County and in
19 their opinion will not be detrimental to the environment of the
20 Williamson River or the fish and wildlife of the area. Another
21 letter further supported the request for the conditional use
22 permit.

23 8. The following Exhibits were offered and received
24 into evidence:

25 Klamath County Exhibits: "A", "B", "C", "D", and "E".
26 Applicant's Exhibit: #1.

* * * * *

1 9. The proposal of the applicant is to develop a
2 recreational vehicle and tent camping area on the northerly
3 portion of the subject property. The area is mostly brushy,
4 with scattered trees and with a dense stand of trees on the
5 northern boundary. The center of the tract is occupied by a
6 large pond which has been the site of a gravel pit. The applicant
7 plans to clean up the pond, and dredge it to allow for fishing
8 in the future.

9 10. The applicant and her family have previously devel-
10 oped the camping site in close proximity to the present site
11 and have further developed subdivisions in the area and are
12 therefore experienced in these types of developments. The
13 applicant plans to develop the site for up to fifty (50) camp-
14 ing sites with the possibility of expanding later. The site
15 will be open from April to the end of November, weather per-
16 mitting. The applicant will maintain a residence on the property
17 with a caretaker to keep up the facility.

18 11. The area is served by a D.E.Q. approved drain field
19 on the North end.

20 KLAMATH COUNTY DEVELOPMENT CODE CRITERIA:

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

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

26 B. That the location, size, design and operating

1 characteristics of the proposed uses is in conformance with the
2 Klamath County Comprehensive Plan.

3 C. That the location, size, design and operating
4 characteristics of the proposed development will be compatible
5 with, and will not adversely affect, the livability or appropriate
6 development of abutting properties in the surrounding neighbor-
7 hood. Consideration shall be given to the harmony in scale,
8 bulk, coverage, and density; to the availability of civic facili-
9 ties, and utilities; to harmful effects, if any, upon desirable
10 neighborhood character; to the generation of traffic and the
11 capacity of surrounding streets, and to other relevant impact of
12 the development.

13 D. That the location, design and site planning
14 of the proposed development will provide a convenient and func-
15 tional living, working, shopping, or civic environment, and will
16 be as attractive as the nature of the use and its location in
17 this setting warrant.

18 2. Klamath County Code Section 44.001 sets forth
19 the general purpose of Article 44, Conditional Use Permit, as
20 follows: The purpose of the Conditional Use Permit is to pro-
21 vide a mechanism whereby uses which may be suitable only in
22 certain locations or only if designed or operated in a parti-
23 cular manner may be allowed within the basic zone designation.

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

1 4. Section 51.022 (c)(1) of the Klamath County Devel-
2 opment Code (Forestry II Zone) provides that, in a Forestry II
3 Zone, the operation of a campground is allowed under a conditional
4 use permit.

5 KLAMATH COUNTY DEVELOPMENT CODE FINDINGS AND CONCLUSIONS:

6 1. See Findings 1-11 under Findings of Fact section
7 above.

8 2. The proposed campground is separated from the
9 surrounding pasture area by a ditch, and for the most part con-
10 sists of a pond and woods or brushy area around it. This camp-
11 ground would retain the essential open character of the property.
12 The applicant intends to improve the pond left over from prior
13 gravel pit activities. The pond will then become suitable for
14 water fowl, nesting and fishing.

15 3. No parties have appeared in opposition to this
16 proposed conditional use permit.

17 4. The current zone designation of F-II, Forestry,
18 provides for the establishment of a campground upon a conditional
19 use permit.

20 5. The plot plan as submitted provides for adequate
21 lighting, parking and traffic flow to the proposed campground.
22 The applilant has therefore complied with the review criteria
23 requiring that the location, size design and operating character-
24 istics of the proposed zone be in conformance with the Klamath
25 County Comprehensive Plan.

26 6. The applicant's plot plan complies with the condition

1 that the location, size, design and operating characteristics
2 of the proposed zone be compatible with, and not adversely affect,
3 the livability, or appropriate development of abutting properties
4 and the surrounding neighborhood. This criteria is met since the
5 applicant will substantially improve the livability of the area
6 by providing camping facilities without changing the general
7 character of the area and further improving the environmental
8 characteristics of the area by cleaning up the existing pond
9 on the property.

10 7. The applicant's plot plan will provide for a
11 convenient and functional campground in the particular area and
12 will be as attractive as the nature of the use in its location
13 and setting warrant.

14 STATE-WIDE PLANNING GOALS AND CRITERIA:

15 See Exhibit "AA", Pages 1-6 attached hereto and in-
16 corporated by this reference.

17 CONCLUSIONS OF LAW AND DECISION:

18 1. The request for a conditional use permit on the
19 subject property meets all the applicable Klamath County Develop-
20 ment Code Criteria and policies governing such.

21 2. The request for a conditional use permit is consist-
22 ent with , and complies with, all the applicable State-wide
23 Planning Goals and statutes.

24 3. Therefore, it is hereby ordered that the request
25 by the applicant for a conditional use permit on the subject
26 * * * * *

1 property is hereby granted, provided that the applicant follows
2 the plot plan as submitted herein as Applicant's Exhibit #1
3 and further complies with any requirements imposed upon him
4 by the Highway Division, State of Oregon, in improving the
5 existing access to the property.

6 DATED this 23 day of June, 1982.

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JAMES R. UERLINGS

GOAL 1: CITIZEN INVOLVEMENT
Relevant Policies:

8065

A hearing on this request has been scheduled for June 17, 1982, before the Klamath County Hearings Officer. Notice of the hearing has been sent to neighboring property owners, concerned agencies, the Chiloquin Area Committee, and to the Herald and News.

GOAL 2: LAND USE PLANNING
Relevant Policies:

The general area of the Williamson River/Highway 97 crossing is a mixture of agriculture, recreational and commercial uses. The property to the west is used for pasture as is the southern part of the Nelson property. To the south, along the Williamson River is a residential subdivision of 26 lots, only one of which has a house on it. Also along the river is the Water Wheel Resort which offers camping, boating, and fishing. A building supply store and a small shopping center site are to the east on Highway 97. Across the highway are a gas station, motel, and restaurant.

GOAL 3: AGRICULTURAL LANDS
Relevant Policies:

8066

A portion of the Nelson property is in pasture. The proposed campground, however, is separated from the pasture area by a ditch and for the most part consists of the pond and the woods or brushy area around it. No agricultural land would be lost due to this development.

Policy 3:....rural development shall be directed onto SCS Class V through VIII soils consistent with the other policies of this plan."

While the soils of this property are identified as Class IV, the proposed campground would be at the quarry site which cannot be used for agriculture.

GOAL 4: FOREST LANDS
Relevant Policies:

Policy 1: "Existing forest uses shall be protected unless proposed land use changes are in conformance with the Klamath County Comprehensive Plan."

Policy 2: "The County shall regulate development of non-forest uses in forested areas."

Among the definitions of "forest uses" given in Klamath County's plan and by L. C. D. C. Goal 4 is "outdoor recreational activities and related support services." The proposed campground is therefore consistent with the forestry designation. Timber on the property is limited to not more than ten acres at the northern and northwestern edges. The only tree cutting planned is some thinning to remove dead trees and provide camping spaces.

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

8067

The proposed campground would retain the essentially open character of the property. The only permanent dwelling would be a proposed caretakers mobile home which would be occupied by a family member. The pond will be dredged to remove brush and gravel to create an area suitable for boating and swimming. The gravel will be stockpiled for sale. The pond is a waterfowl nesting site and applicants intend to prohibit hunting.

The property adjoins the Wilson Cemetery which is used by the Klamath Tribe and includes the graves of many tribal leaders. The cemetery has been vandalized recently. The cemetery is fenced and there is no vehicle access to it from the Nelson property. The campsite will be oriented away from the cemetery and the Klamath Tribe, which was informed of the proposal, has expressed its support.

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

Sewage disposal appears to be the only factor with possibly major effects on the area. All holding tanks or septic systems must be built to DEQ specifications. Campgrounds must also be inspected and approved by the County Health.

GOAL 7: NATURAL DISASTER AND HAZARDS AREA
Relevant Policies:

The area is rated as having a medium fire hazard. Water for fire protection is available from the pond and will be available from a well applicant intends to drill. Also brush and dead trees will be cleared to reduce hazards and fires will be limited to designated locations.

GOAL 8: RECREATION NEEDS
Relevant Policies:

8068

Policy 1: "When planning for lands and resources capable of accomodating multiple uses, the County shall encourage the provisions of appropriate recreational opportunities."
Policy 4: "The County shall assist private investors seeking to establish new commercial recreation enterprises."

This proposal would provide up to 50 RV and tent camping sites as well as boating and fishing. The facility would serve the large number of vacationers using Highway 97.

GOAL 9: COUNTY ECONOMY
Relevant Policies:

The proposed development would not provide additional jobs since it would be operated by the family members now living on the property. Economic benefits would result from increased purchases of goods and services in the Chiloquin/Williamson River area.

GOAL 10: HOUSING
Relevant Policies:

The proposal would not alter the need for or availability of housing.

GOAL 11: PUBLIC FACILITIES AND SERVICES
Relevant Policies:

8069

Electrical and telephone service are available. The site is within the Chiloquin-Agency Lake Fire Protection District.

GOAL 12: TRANSPORTATION
Relevant Policies:

The site has two access points to Highway 97.. A major arterial thoroughfare serving Eastern Oregon.

GOAL 13: ENERGY CONSERVATION
Relevant Policies:

No effects on energy conservation are evident.

GOAL 14: URBANIZATION
Relevant Policies:

8070

The site is outside of any urban or urbanizing area.

STATE OF OREGON; COUNTY OF KLAMATH; ss.

Filed for record

this 25 day of June 10:58 A.D. 1982 at 10:58 o'clock AM, and
duly recorded in Vol. M 82, of Deeds on Page 8058

No Fee

By Joyce M. Biehn County Clerk

Commissioners Journal

EXHIBIT "AA", Page Six.