

BEFORE THE HEARINGS OFFICER
FOR KLAMATH COUNTY, OREGON

In the Matter of a)

REQUEST FOR A CONDITIONAL)
USE PERMIT)

for)

KLAMATH COUNTY)
PARKS DEPARTMENT)

NO. 45-82

SUPPLEMENTAL FINDINGS OF FACT,
DECISION AND ORDER

THIS MATTER coming before the Klamath County Assisant
Hearings Officer, JAMES R. UERLINGS, on February 17, 1983, at
1:30 p.m. in the Klamath County Commissioners' Hearing Room
of the Klamath County Courthouse Annex and the Klamath County
Planning Department appearing through Staff member, JONATHAN
CHUDNOFF and the applicant KLAMATH COUNTY PARKS DEPARTMENT and
SPORTMAN'S PARK ASSOCIATION appearing through KEITH READ; and
this matter previously coming before this Assistant Hearings
Officer on December 2, 1982, at 1:30 p.m.; and at that time a
conditional use permit was granted subject to several conditions

This matter reappeared before the Assistant Hearings
Officer on February 17, 1983, at the request of KEITH READ for
the purpose of amending Condition J in Paragraph 12 of the Order
dated December 14, 1982.

The following findings of fact, conclusions of law,
decision and order are entered pursuant to said Hearing.

FINDINGS OF FACT:

1. The Order of December 14, 1982, and the testimony

AMENDED ORDER, Page 1.

1 given on December 2, 1982 at the Hearing are hereby incorporated
2 into the record in their entirety.

3 2. The applicant has requested an amendment to the
4 condition regarding the hours of the participants' sports request-
5 ing that the condition be amended so that participants' sports
6 use of the facility may be available from dawn to dusk, sunrise
7 to sunset, seven (7) days per week.

8 3. The applicant advised that this request is necessary
9 in order to allow for the beneficial use of the facility for
10 the members of the public.

11 4. Additionally, evidence was submitted that the
12 Order should be clarified as to indicate the use of the camping
13 grounds for overnight camping and that the hours for the operation
14 of the campgrounds would be separate from those of the partici-
15 pants' sports facility.

16 KLAMATH COUNTY DEVELOPMENT CODE CRITERIA:

17 1. Klamath County Development Code Section 44.003
18 sets forth the general criteria for consideration in the appli-
19 cation for a conditional use permit:

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

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

25 C. That the location, size, design and operating
26 characteristics of the proposed development will be compatible

1 with, and will not adversely effect, the livability or appro-
2 priate development of abutting properties in the surrounding
3 neighborhood. Consideration shall be given to the harmony in
4 scale, bulk, coverage and density; to the availability of
5 civic facilities, and utilities; to harmful effects, if any,
6 upon desirable neighborhood character; to the generation of
7 traffic and the capacity of surrounding streets and to other
8 relevant impact of the development.

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

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

21 3. ORS 197.175 requires all zoning and related ordi-
22 nances adopted by the County be in conformance with the State-
23 Wide Planning Goals.

24 4. Section 51.021 in Klamath County Development Code
25 provides in Section C, 1 and 2, for the development of civic
26 use types and participant sports use types. These sections as
broadly construed would include all the activities proposed by

1 the applicant on a conditional use permit basis in a Forestry-I
2 zone.

3 KLAMATH COUNTY DEVELOPMENT CODE FINDINGS AND CONCLUSIONS:

4 1. See Findings as contained in the December 14,
5 1982, Order and as set forth in Findings of Fact above, 1-4.

6 2. The following proposed site and facility and use
7 is conditionally permitted within the applicable zone in which
8 the site is located.

9 3. The proposed site, according to the evidence
10 presented, is adequate in size and design and operating character-
11 istics to provide for the use requested.

12 4. The location, size, design and operating character-
13 istics of the proposed development will be compatible with,
14 and will not adversely effect, the livability or the appropriate
15 development of abutting properties and the surrounding neighbor-
16 hood.

17 5. The location, design and site planning of the
18 proposed development will provide convenient and functional
19 living, working, shopping and civic environment and will be as
20 attractive as the nature of the use and its location in this
21 setting warrant.

22 STATE-WIDE PLANNING GOALS, CRITERIA AND FINDINGS:

23 See Exhibit "AA", Page 1-7 of December 14, 1982,
24 Order.

25 CONCLUSIONS OF LAW AND DECISION:

26 1. This request for amendment of the conditional

AMENDED ORDER, Page 4.

1 use permit Order issued on December 14, 1982, as to Item J,
2 Paragraph 12, is hereby granted. Item J of Paragraph 12 is
3 hereby amended as follows:

4 "The Park shall be open to participants' sports
5 uses from dawn to dusk (sunrise to sunset) seven (7) days
6 per week. The campgrounds facilities, once established,
7 will be overnight facilities requiring hours in addition to
8 those provided for the participants' sports facility. The
9 applicant shall, in cooperation with all concerned parties,
10 set reasonable hours for access into and out of the overnight
11 camping facilities."

12 DATED this 21 day of February, 1983.
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James R. Uerlings
JAMES R. UERLINGS
Assistant Hearings Officer

21 STATE OF OREGON; COUNTY OF KLAMATH; ss.
22 Filed for record

23 this 22 day of Feb. A. D. 19 83 at 10:13 o'clock A.M., and
24 duly recorded in Vol. M83, of Deeds on Page 2655
25 No Fee

26 By Evelyn Behn
EVELYN BEHN, County Clerk
COMMISSIONERS JOURNAL

AMENDED ORDER, Page 5.