

1                                   BEFORE THE HEARINGS OFFICER  
 2                                   FOR KLAMATH COUNTY, OREGON  
 3   In the Matter of a                                   )   No. 8-83  
   )  
 4   CONDITIONAL USE PERMIT                           )   FINDINGS OF FACT, DECISION  
   )                   AND ORDER  
 5                   for                                   )  
   )  
 6   JOE and GERTRUDE GLODOSKI                        )  
   )  
 7   \_\_\_\_\_

8                   THIS MATTER came on for a hearing before the Klamath  
 9   County Assistant Hearings Officer, JAMES R. UERLINGS, on  
 10   May 19, 1983, at 1:30 p.m. in the Veteran's Memorial Building  
 11   Conference Room. The hearing was held pursuant to notice  
 12   given in conformity with the Klamath County Development Code  
 13   and related ordinances. The applicants were represented at  
 14   the hearing by Steve Souder and Mrs. Forsey, Mrs. Glodoski's  
 15   daughter. The Klamath County Planning Department was repre-  
 16   sented by Jonathan Chudnoff.

17                   The following exhibits were offered, received into  
 18   evidence and made a part of the record: Exhibits "A" through  
 19   "D".

20                   The Assistant Hearings Officer, after reviewing  
 21   the evidence presented, makes the following findings of fact  
 22   and decision:

23   FINDINGS OF FACT:

24                   1) The applicants are the owners of subject property  
 25   as described in Exhibit "A" which is attached hereto and in-  
 26   corporated by this reference.

JAMES R. UERLINGS  
 ATTORNEY AT LAW  
 110 NORTH SIXTH STREET  
 SUITE 209  
 KLAMATH FALLS, OREGON  
 97601  
 503/884-7364

FINDINGS OF FACT, DECISION AND ORDER  
 Page 1.

'83 MAY 25 PM 4 26

1                   2) The property is located along Hilyard Avenue  
2 between Patterson and South Sixth Street in Klamath County,  
3 Oregon.

4                   3) The property is currently pasture land with  
5 a soil class of SCS II. The property has been zoned for  
6 suburban residential and is within the urban growth boundary.

7                   4) The adjacent and surrounding properties have  
8 been gradually changing to commercial and industrial uses  
9 and the area is in a transition state.

10                  5) Within one-quarter ( $\frac{1}{4}$ ) mile to the North a con-  
11 ditional use permit has been granted for the installation of  
12 mobile home units in conjunction with a religious facility;  
13 the mobile home units there being used for the purpose of  
14 religious education.

15                  6) The applicants have discussed the proposed change  
16 in use of the property with the closest residential neighbor  
17 who appears to have no objections to the proposed change.

18                  7) The applicant intends to construct a sanctuary  
19 and religious education building as well as a parking lot and  
20 eventually picnic grounds and/or a baseball field for use by  
21 church members.

22                  8) The applicant plans to have access to the facility  
23 on Hilyard Avenue, probably through the use of two (2) driveways,  
24 one for entrance and one for exit.

25                  9) The current zone of suburban residential allows  
26 for the construction of religious facilities and community

1 education facilities within the zone based upon a conditional  
2 use permit. Klamath County Ordinance 51.005(C)(2)(4).

3 10) The site consists of twelve (12) acres, irregular  
4 in shape, and approximately 450' x 1,000'. The property is  
5 served by Pacific Power and Light, Pacific Northwest Bell, and  
6 CP Natural Gas. Water is provided by the City of Klamath Falls  
7 and sewer by South Suburban Sanitary District.

8 11) No opposition was expressed at the hearing to  
9 the proposed conditional use permit.

10 KLAMATH COUNTY DEVELOPMENT CODE CRITERIA:

11 1) Klamath County Development Code Section 44.003  
12 sets forth the criteria for consideration in the application  
13 for a conditional use permit:

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

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

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

1 of surrounding streets and to other relevant impact of the devel-  
2 opment.

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

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

15 3) ORS 197.175 requires all zoning and related  
16 ordinances adopted by the County be in conformance with the  
17 State-wide Planning Goals.

18 KLAMATH COUNTY DEVELOPMENT CODE FINDINGS AND CONCLUSIONS:

19 1) The proposed use has a location, size, design and  
20 operating characteristics which are in conformance with the  
21 Klamath County Comprehensive Plan.

22 2) The location, size, design and operating character-  
23 istics of the proposed development will be compatible with,  
24 and will not adversely effect, the livability or the appropriate  
25 development of abutting properties and the surrounding neigh-  
26 borhood.

1 3) The proposed use will be in harmony in scale,  
 2 bulk, coverage and density with the existing uses. No harmful  
 3 effects will be made upon the desirable neighborhood character.  
 4 No additional generation of traffic beyond the capacity of the  
 5 surrounding streets will be created.

6 4) The location, design and site planning of the  
 7 proposed development will provide for a convenient and functional  
 8 living, working, shopping and civic environment and will be as  
 9 attractive as the nature of the use and its location in this  
 10 setting warrant.

11 5) See Findings of Fact 1-11 as set forth above.  
 12 STATE-WIDE PLANNING GOALS AND CRITERIA:

13 See Exhibit "AA" attached hereto and incorporated  
 14 by this reference.

15 CONCLUSIONS OF LAW AND DECISION:

16 1) This request for a conditional use permit on the  
 17 subject property meets all the applicable Klamath County  
 18 Development Code criteria and policies governing such.

19 2) This request for a Conditional Use Permit is  
 20 consistent with, and complies with, all the applicable State-  
 21 wide Planning Goals and statutes.

22 Therefore, it is hereby ordered that the request  
 23 by the applicants for the Conditional Use Permit on the subject  
 24 \* \* \* \* \*

25 \* \* \* \* \*

26 \* \* \* \* \*

1 property described herein is hereby granted.

2 DATED this 23 day of May, 1983.

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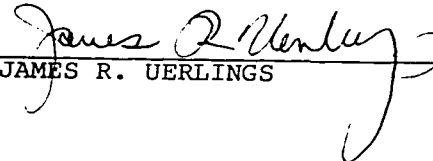
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JAMES R. UERLINGS

DESCRIPTION "A"

A parcel of land in the E $\frac{1}{2}$  NW $\frac{1}{4}$  of Section 12, Township 39 South, Range 9 E.W.M.; being more particularly described as follows:

Commencing at the North 1/4 corner of Section 12; thence S.00°22' E., 30.00 feet to the point of beginning which is the South right-of-way line of Hilyard Avenue; thence S.00°22' E. along the East line of the NW $\frac{1}{4}$  949.91 feet; thence S.42°50' W. 671.94 feet to the southeasterly corner of property conveyed in Deed Volume 304, Page 592 of Klamath County Deed Records; thence N.00°22' W. parallel to the East line of the NW $\frac{1}{4}$  and along the property conveyed in Deed Volume 304, Page 592, 1065.75 feet; thence S.89°52' E., 30.00 feet; thence N.00° 22' W., 219.00 feet; thence S.89°52' E., 126.00 feet; thence N.00°22' W., 159.00 feet; thence S.89°52'E., 304.00 feet to the point of beginning. Containing 11.94 acres more or less.

COMPREHENSIVE PLAN POLICIES AND STATE  
LAND USE GOALS 1 - 14

8204

## GOAL NO. 1 - Citizen Involvement

- ☒ Complies ☐ Does not Comply  
☐ Complies with conditions  
☐ Not applicable

## Relevant Policies:

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

## State Goal Issues:

A public hearing on this matter has been set for May 19, 1983. Notice has been sent to neighboring property owners, the South Suburban Area Committee and other concerned agencies and published in the Herald and News.

## GOAL NO. 2 - Land Use Planning

- ☒ Complies ☐ Does not comply  
☐ Complies with conditions  
☐ Not applicable

Article 46  
Major/Minor Partition  
Section 46.003 Review Criteria

## Relevant Policies:

	Complies	Does not Comply	N.A.
A -	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B -	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C -	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D -	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
E -	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
F -	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
G -	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
H -	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I -	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J -	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
K -	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
L -	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## State Goal Issues:

The property is planned and zoned for residential use. The County's residential zones conditionally permit such civic uses as schools and churches. The property has the utilities and public services necessary to support the proposed development. The Hearings Officer review process will be used to determine this proposal's compliance with the County Plan and the statewide goals.



5205

GOAL NO. 3 - Agricultural Lands

- ☐ Complies ☐ Does not Comply  
☒ Complies with conditions  
☐ Not applicable

Relevant Policies:

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

State Goal Issues:

The property is on Class II soil and is currently in irrigated pasture. Adjacent properties to the west, south, and east are similarly farmed. This farmland is essentially an island within the Klamath Falls urbanizing area, with extensive residential development to the west and south and commercial and industrial uses to the east. The encroachment of these non-farm uses makes this area marginal for continuing commercial agriculture.

- GOAL NO. 4 - Forest Lands
- ☐ Complies ☐ Does not Comply  
☐ Complies with conditions  
☒ Not applicable

Relevant Policies:

State Goal Issues:

The property has no timber productivity rating and there are no trees growing on it.

GOAL NO. 5 - Open Space, Scenic and Historic Areas, and Natural Resources

8206

- ☐ Complies ☐ Does not Comply  
☐ Complies with conditions  
☒ Not applicable

Relevant Policies:

State Goal Issues:

There are no inventoried scenic, historic, wildlife or natural resources on or adjacent to the property affected by this permit.

GOAL NO. 6 - Air Water and Land Resource Quality

- ☒ Complies ☐ Does not Comply  
☐ Complies with Conditions  
☐ Not applicable

Relevant Policies:

State Goal Issues:

The property is served by the South Suburban Sanitary District for sewage disposal.

Page 4  
GOAL NO. 7 - Natural Disaster and Hazards Area

8207

- ☐ Complies ☐ Does Not Comply  
☐ Complies with conditions  
☒ Not applicable

Relevant Policies:

State Goal Issues:

There are no inventoried flood, geologic or other hazards affecting the property.

GOAL NO. 8 - Recreation Needs

- ☒ Complies ☐ Does Not Comply  
☐ Complies with conditions  
☐ Not applicable

Relevant Policies:

1. "When planning for lands and resources capable of accommodation multiple uses, the County shall encourage the provision of appropriate recreation opportunities."

State Goal Issues:

The church plans to develop ball diamonds and a playground on this property.

GOAL NO. 9 - County Economy

8208

- ☒ Complies ☐ Does not Comply  
☐ Complies with conditions  
☐ Not applicable

Relevant Policies:

State Goal Issues:

The proposal would provide temporary economic benefits during construction through employment and the sale of building materials.

GOAL NO. 10 - Housing

- ☒ Complies ☐ Does not Comply  
☐ Complies with conditions  
☐ Not applicable

Relevant Policies:

State Goal Issues:

The property is in a transitional area, gradually developing for residential use. Schools, churches and other civic uses are adjuncts to residential development and are conditionally permitted in all residential zones. In moving from its present site to this new location, the church would have no major effects on the need for or availability of housing in the suburban area.

GOAL NO. 11 - Public Facilities and Services

8209

☒ Complies ☐ Does not Comply

☐ Complies with conditions

☐ Not applicable

Relevant Policies:

12. "Development proposals shall not be approved unless the types and levels of public facilities and services required are available or planned in the area."

State Goal Issues:

Electrical, telephone, water, sewer and irrigation are available to the property. It is within County Fire District No. 1 which has a station  $\frac{1}{4}$  mile to the east on Hilyard Avenue.

GOAL NO. 12 - Transportation

☒ Complies ☐ Does not Comply

☐ Complies with conditions

☐ Not applicable

Relevant Policies:

State Goal Issues:

The property fronts on Hilyard Avenue, a paved county street, and is  $\frac{1}{4}$  mile west of 6th Street, the main east-west arterial for the suburban area.

GOAL NO. 13 - Energy Conservation

- ☒ Complies ☐ Does Not Comply  
☐ Complies with conditions  
☐ Not applicable

8210

Relevant Policies:

State Goal Issues:

The property is easily accessible from all parts of the urban area, conserving energy used in transportation.

GOAL NO. 14 - Urbanization

- ☒ Complies ☐ Does not Comply  
☐ Complies with conditions  
☐ Not applicable

Relevant Policies:

State Goal Issues:

The property is within the Klamath Falls urbanizing area and all needed urban utilities and services are available.

STATE OF OREGON; COUNTY OF KLAMATH; ss.

Filed for record

this 25th day of may A.D. 1983 at 4:26 o'clock P. M.  
duly recorded in Vol. M83 of Deeds on a c 8197

No Fee

By EVELYN BIEHN, County Clerk

EXHIBIT "AA", Page 7.

Commissioners Journal