

BEFORE THE HEARINGS OFFICER

FOR KLAMATH COUNTY, OREGON

In the Matter of a)

NO. 23-83

REQUEST FOR A CONDITIONAL)
USE PERMIT)FINDINGS OF FACT, DECISION
AND ORDER

for)

GOD'S LIGHTHOUSE/
REVEREND JIMMIE M. HAWK)
)
)

THIS MATTER came on for a hearing before the Klamath

County Assistant Hearings Officer, JAMES R. UERLINGS, on

November 17, 1983, at 1:30 p.m. in the Klamath County

Commissioners' Hearing Room. The hearing was held pursuant

to notice given in conformity with the Klamath County Development

Code and related ordinances. The applicant, REVEREND JIMMIE

M. HAWK, was present and the Klamath County Planning Department

was represented by Jonathan Chudnoff. The following exhibits

were offered, received into evidence and made a part of the

record: Exhibits "A" through "D".

The Assistant Hearings Officer, after reviewing the

evidence presented, makes the following findings of facts

and decision.

FINDINGS OF FACT:

1) The subject property is currently owned by Trendwest Development Company and is leased by the applicant's church, God's Lighthouse. The subject property is located in the NW 1/4, Section 19, Township 38, Range 9, within the

FINDINGS OF FACT, DECISION AND ORDER,
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1 Pelican City subdivision, Lots 1 and 2 of Block 1, Tax Account
2 Number 3809-1912, located at 3922 Lakeport Blvd., Klamath Falls,
3 Oregon.

4 2) The property has the following designations:
5 Plan Designation of Urban Residential, Zone Designation of
6 RM, and adjacent and surrounding zoning consists of IH to the
7 West and RM to the South.

8 3) The property consists of approximately 13,300
9 square feet, rectangular in shape, with some lawn and brush.
10 The property is surrounded by land which is a mixture of
11 industrial, commercial and some residential uses. Access to
12 the property is off Lakeport Blvd., a paved County street.

13 4) The property is served by a septic tank which
14 will be installed by the applicant. Water is provided by the
15 City of Klamath Falls, and utilities are provided by Pacific
16 Power and Light, Pacific Northwest Bell and C.P. Natural Gas.
17 The property is within Klamath Fire District #1.

18 5) The proposed Conditional Use Permit is to allow
19 for conversion of the former Merry Mixers Dance Hall into a
20 church. The general use of the property would not change
21 as it would continue to be used, as it was in the past, for
22 periodic public gatherings.

23 6) The area immediately to the West is industrial,
24 including several lumber mills and logging companies. Railroad
25 tracks are to the North and East, with residential uses to the
26 South. The property is in an area in the process of being con-

1 sidered for annexation to the City of Klamath Falls because of
2 health hazards.

3 8) The property could provide sufficient off-street
4 parking to allow for members of the church to park.

5 KLAMATH COUNTY DEVELOPMENT CODE CRITERIA:

6 1) Klamath County Development Code Section 44.003
7 sets forth the criteria for consideration in the application
8 for a conditional use permit.

9 A. That the use is conditionally permitted in
10 the zone in which it is proposed.

11 B. That the location, size, design and operating
12 characteristics of the proposed development will be compatible
13 with, and will not adversely effect, the livability or appro-
14 priate development of abutting properties in the surrounding
15 neighborhood. Consideration shall be given to the harmony in
16 scale, bulk, coverage and density; to harmful effects, if any,
17 upon desirable neighborhood character; to the generation of
18 traffic and the capacity of surrounding streets and to other
19 relevant impact of the development.

20 C. That the location, design and site planning
21 of the proposed development will provide a convenient and
22 functional living, working, shopping or civic environment
23 and will be as attractive as the nature of the use and its
24 location in this setting warrant.

25 2) Klamath County Code Section 44.001 sets forth
26 the general purpose of Article 44, Conditional Use Permit, as

1 follows: The purpose of the Conditional Use Permit is to provide
2 a mechanism whereby uses which may be suitable only in certain
3 locations or only if designed or operated in a particular manner
4 may be allowed within the basic zone designations.

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

8 KLAMATH COUNTY DEVELOPMENT CODE FINDINGS AND CONCLUSIONS:

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

12 2) The use requested by the applicant is conditionally
13 permitted within the zone in which it is proposed.

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

19 4) Since the applicant's use of the property will,
20 in all likelihood, be at times other than those in which traffic
21 is generated to the surrounding industrial and commercial proper-
22 ty, little or no problem will be caused with traffic congestion.

23 5) The location, design and site planning of the
24 proposed development will provide a convenient and functional
25 civic environment and will be as attractive as the nature of
26 the use and its location in this setting warrant.

6) See Findings of Fact 1-8 above.

STATE-WIDE PLANNING GOALS AND CRITERIA:

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

CONCLUSIONS OF LAW AND DECISION:

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

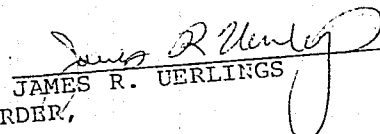
2) The following conditions are deemed necessary to protect the health, safety and welfare of the citizens of Klamath County:

A. The maximum number of persons to be in and about the church at any one time is limited to 200 persons. If the applicant requires the allowance of further persons upon the property, a request to amend this Conditional Use Permit would need to be filed with a second hearing.

B. The applicant must provide sufficient off-street parking for vehicles of the persons using the church facility. This parking need not be paved parking, but should be improved parking, either by gravel or other means.

THEREFORE, it is hereby ordered that the request for this Conditional Use Permit by the applicant on the subject property described herein is hereby granted, subject to the conditions as set forth above.

DATED this 22 day of November, 1983.


JAMES R. UERLINGS

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COMPREHENSIVE PLAN POLICIES AND STATE

LAND USE GOALS 1 - 14

20179

GOAL NO. 1 - Citizen Involvement

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

Relevant Policies:

1. "The County shall continue to provide citizen involvement opportunities."

State Goal Issues:

A public hearing on this matter has been set for November 17, 1983. Notice has been sent to surrounding property owners, the North 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

Relevant Policies:

State Goal Issues:

The property is zoned residential (RM) and a church is conditionally permitted. A determination of compatibility with surrounding uses must be made using the criteria of Article 44 of the Land Development Code.

The area is mixed industrial and residential.

Article 46
Major/Minor Partition
Section 46.003 Review Criteria

	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"/>

GOAL NO. 3 - Agricultural Lands

☐ Complies ☐ Does not Comply

☐ Complies with conditions

☒ Not applicable

Relevant Policies:

State Goal Issues:

The area is subdivided and developed for industrial and residential uses.

GOAL NO. 4 - Forest Lands

☐ Complies ☐ Does not Comply

☐ Complies with conditions

☒ Not applicable

Relevant Policies:

State Goal Issues:

The area is subdivided and developed for industrial and residential uses.

20180

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

20181

☐ Complies ☐ Does not Comply

☐ Complies with conditions

☒ Not applicable

Relevant Policies:

State Goal Issues:

There are no inventoried scenic, historic or natural resources in the immediate vicinity. The church would use a building already established and used for social gatherings for many years.

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 within the Pelican City health hazard area, being annexed by the City of Klamath Falls. The City will provide sewer service to alleviate the problem of failing septic systems.

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GOAL NO. 7 - Natural Disaster and Hazards Area

☐ Complies ☐ Does Not Comply

☐ Complies with conditions

☒ Not applicable

20182

Relevant Policies:

State Goal Issues:

There are no inventoried natural hazards affecting the area.

GOAL NO. 8 - Recreation Needs

☐ Complies ☐ Does Not Comply

☐ Complies with conditions

☒ Not applicable

Relevant Policies:

State Goal Issues:

The establishment of a church would not affect the need for or availability of recreational facilities in the urban area.

GOAL NO. 9 - County Economy

20183

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

Relevant Policies:

State Goal Issues:

The application would not result in new construction or otherwise affect the County economy.

GOAL NO. 10 - Housing

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

Relevant Policies:

State Goal Issues:

Establishment of a church in the existing building would not affect the need for or availability of housing.

GOAL NO. 11 - Public Facilities and Services

20184

☐ 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:

The property has telephone, electrical, gas and water services. Sewer service will be provided by the City.

GOAL NO. 12 - Transportation

☐ Complies ☐ Does not Comply

☒ Complies with conditions

☐ Not applicable

Relevant Policies:

State Goal Issues:

The property fronts on a paved county street. With church traffic being primarily on Sundays or weekday evenings, there would be little or no conflict with work or school traffic.

The applicant should provide off-street parking to accommodate the cars of all church users.

GOAL NO. 13 - Energy Conservation

20185

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

Relevant Policies:

State Goal Issues:

The church would not substantially change the use of the building, and thus no change in energy use or conservation is apparent.

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 urbanized area. All needed urban utilities are available or will be made available to the property.

Ret: Commissioners Journal

Exhibit "AA" Page 7

STATE OF OREGON: COUNTY OF KLAMATH: ss
I hereby certify that the within instrument was received and filed for record on the 23rd day of November A.D., 1983 at 2:40 o'clock P.M., and duly recorded in Vol. M83, of Deeds on page 20174.

EVELYN BIEHN, COUNTY CLERK

by [Signature] deputy

Fee \$ None