

'85 FEB 19 PM 2 22

1 **46002**

BEFORE THE HEARINGS OFFICER

2 KLAMATH COUNTY, OREGON

Vol. 185 Page 2441

3 In the Matter of Request for)
4 Conditional Use Permit 1-85) Klamath County Planning
5 for the Church of Jesus Christ) Findings of Fact and Order
6 of Latter Day Saints, Applicant.)
7

8 A hearing was held on this matter on February 7, 1985,
9 pursuant to notice given in conformity with Ordinance No. 45.2,
10 Klamath County, before the Klamath County Hearings Officer,
11 Jim Spindor. The applicant was represented by Arnold Vitarbo.
12 The Klamath County Planning Department was represented by
13 Jonathan Chudnoff. The Hearings Reporter was Judy Whitaker.

14 Evidence was presented on behalf of the Department and
15 on behalf of the applicant. There were no adjacent property
16 owners present.

17 The following exhibits were offered, received, and made
18 a part of the record:

19 Klamath County Exhibit A, Staff Report

20 Klamath County Exhibit B, Site Plan

21 Klamath County Exhibit C, Assessor's Map

22 Klamath County Exhibit D, Letter from Highway Division

23 Klamath County Exhibit E, Letter from Bruce J. Park

24 The hearing was then closed, and based upon the evidence
25 submitted at the hearing, the Hearings Officer made the following
26 Conclusions of Law:

27 ///

28 ///

1 CONCLUSIONS OF LAW:

2442

2 1. The proposed use is conditionally permitted in the
3 zone within which it is proposed to be located.

4 2. The location, size, design, and operating characteris-
5 tics of the proposed use are in conformance with the Klamath
6 County Comprehensive Plan.

7 3. The location, size, design, and operating characteris-
8 tics of the proposed use will be compatible with and will not
9 have a significant adverse effect on the appropriate development
10 and use of abutting property and the surrounding neighborhood.

11 4. The granting of this conditional use permit is con-
12 sistent with the goals of the L.C.D.C.

13 5. The conditional use permit is granted subject to the
14 following conditions:

15 (a) Access to the property shall be limited to one
16 driveway, which driveway shall be from Highway 422
17 and which shall be located as far as possible from
18 the Highway 62 intersection. The final location and
19 design of this driveway shall be approved by the
20 Oregon State Highway Division, and the applicant
21 shall provide proof to the Klamath County Planning
22 Department that he has obtained the approval of the
23 Oregon State Highway Division.

24 (b) The applicant shall obtain approval for a septic
25 system from the Klamath County Health Department.

26 (c) The property shall be fenced with a fence
27 adequate to keep cattle out prior to the building
28 being used.

1 FINDINGS OF FACT:

2 The requested use has been granted with conditions based
3 on the following findings of fact:

4 1. The request herein is by the Chiloquin congregation
5 of the Church of Jesus Christ of Latter Day Saints to allow
6 a church in the EFU-CG zone. The property involved is a 2.52
7 acre parcel which will be partitioned from a 26.2 acre tract
8 upon approval of this permit. The property in question is
9 located at the intersection of Highway 62 and 422 South, and
10 provides a convenient access for a congregation whose membership
11 is drawn from the Chiloquin, Fort Klamath, and Agency Lake areas.
12 The Chiloquin-Agency Lake area is Klamath County's most rapidly
13 developing rural residential area. The property in question is
14 diamond in shape.

15 2. The congregation of the church numbers 29 families
16 with a total of 111 members. Growth is expected to be at a 3%
17 annual rate. Regular church attendance is now about 70, with
18 the proposed building to have an initial capacity of a little
19 over 100. The regular church schedule includes Sunday services
20 and school and two weeknight activities. Some weekday classes
21 or activities may take place.

22 3. The area to the east and south is mostly in rural
23 homesites of 2½ to 10 acres. To the north are larger (20+ acres)
24 tracts of unusual brushland. There is irrigated pasture to the
25 west.

26 4. The property is on a pumice and rock upland, mostly
27 brush covered. No irrigation is available, and there is no farm
28 use on the land. The only nearby farm operation consists of

1 irrigated pasture across Highway 62 to the west. No farmland
2 would be taken out of production by this proposal.

3 5. The property is in an area of brushy, sparsely wooded
4 ridges. There is no timber management in the area, nor are any
5 other forest uses defined by Goal 4 established in the area.

6 6. There are no Goal 5 resources on or adjacent to this
7 property.

8 7. A septic system on the property would be subject to
9 review and approval by the Klamath County Health Department.

10 8. The area has a high fire hazard rating. The property
11 is within the Chiloquin-Agency Lake fire district, with fire
12 stations at Chiloquin and Agency Loop Road, approximately 3½
13 miles away.

14 9. The property fronts on two paved state highways.
15 Traffic on Highway 422 is required to stop at the intersection,
16 while Highway 62 traffic is at high speed.

17 10. The only objection came from a nearby property owner
18 as set forth in Exhibit "E" herein. There is no evidence that
19 the granting of this conditional use permit would have any
20 adverse effect on the abutting property owner or the surrounding
21 neighborhood.

22 The Hearings Officer, based on the foregoing Findings of
23 Fact, accordingly orders as follows:

24 The real property described as:

25 "Being generally located at the junction of
26 Highways 62 and 422 South, and more particularly
27 described as being located in a portion of Gov-
ernment Lots 24 and 25, Section 8, Township 35,
Range 7,"

28 is hereby conditionally granted a conditional use permit in

1 accordance with the terms of the Klamath County Zoning Ordinance
 2 No. 45.2, and, henceforth, will be allowed to establish a
 3 religious assembly in the EFU-CG (Exclusive Farm Use-Cropland/
 4 Grazing) zone.

5 Entered at Klamath Falls, Oregon, this 19th day of
 6 February, 1985.

7 KLAMATH COUNTY HEARINGS DIVISION

8 *Jim Spindor*

9 Jim Spindor, Hearings Officer

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26 Return: Commissioners Journal

27
28
C.U.P. 1-85
Page 5

STATE OF OREGON: COUNTY OF KLAMATH:ss
 I hereby certify that the within instrument was received and filed for
 record on the 19th day of February A.D., 1985 at 2:22 o'clock P M,
 and duly recorded in Vol M85, of Deeds on page 2441.

EVELYN BIEHN, COUNTY CLERK
 by: *Pam Smith*, Deputy

Fee: \$ None