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BEFORE THE HEARINGS OFFICER

KLAMATH COUNTY, OREGON

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In the Matter of Request for  
Conditional Use Permit No. 31-85  
for Klamath Evangelical Free  
Church

Klamath County Planning  
Findings of Fact and Order

A hearing was held on this matter on September 5, 1985, pursuant to notice given in conformity with Ordinance No. 45.2, Klamath County, before the Klamath County Hearings Officer, Jim Spindor. The applicant was represented by Gary Carpenter. The Klamath County Planning Department was represented by Claudia Stine. The Hearings Reporter was Janet Libercajt.

Evidence was presented on behalf of the Department and on behalf of the applicant. There was one adjacent property owner present.

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

- Klamath County Exhibit A, Staff Report
- Klamath County Exhibit B1, B2, B3, Sketches of Church
- Klamath County Exhibit C, Assessors Map
- Klamath County Exhibit D, Map of Minor Partition 26-85
- Klamath County Exhibit E, Letter from County Health Dept.

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

CONCLUSIONS OF LAW:

1. The proposed use is conditionally permitted in the zone within which it is proposed to be located.
2. The location, size, design and operating characteristics of the proposed use are in conformance with the Klamath County Comprehensive Plan.

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1           3. The location, size, design and operating characteristics  
2 of the proposed development will be compatible with and will not  
3 have significance adverse affects on the appropriate development  
4 use of abutting property and the surrounding neighborhood so long  
5 as the conditions set forth hereinbelow are followed.

6           4. The granting of this Conditional Use Permit is consis-  
7 tent with the goals of the L.C.D.C.

8           5. The granting of this Conditional Use Permit is subject  
9 to the following conditions:

10           (a) Prior to commencement of construction the  
11 applicant shall notify the Department as to what  
12 arrangements have been made with regard to sewer  
13 facilities, and shall either confirm that city  
14 sewer will be used or shall obtain all necessary  
15 approvals with regard to a septic system.

16           (b) Access to Beverly Drive shall be constructed  
17 and maintained in accordance with the requirements  
18 of the Klamath County Department of Public Works.

19           (c) The applicant shall provide adequate parking to  
20 serve all vehicles which will come onto the site.

21           (d) There shall be no expansion of the structure  
22 beyond what was presented to the Hearings Officer  
23 without obtaining prior approval.

24           (e) The applicant shall make adequate arrangements to  
25 control traffic to and from the site.

26 FINDINGS OF FACT:

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

1        1. This is an application for a Conditional Use Permit for  
2 a church in the RH zone. The church would have 500 seats, sev-  
3 eral small rooms for Sunday schools, a kitchen and other rooms.  
4 See Exhibit "B-2" which sets forth a proposed floor plan, with  
5 the exception that the all-purpose room will now propose to seat  
6 500 rather than 300.

7        2. The site consists of 13.24 acres and is rectangular in  
8 shape. The portion to be used for the church site is 600 feet  
9 by 1000 feet.

10       3. Church activities include Sunday services and occasional  
11 meetings at other times. Attendance is expected to be 500 people.  
12 At present, the congregation is using the facilities of another  
13 church on East Main Street and this is not a satisfactory situ-  
14 ation.

15       4. Notice of this hearing was sent to surrounding property  
16 owners, to concerned public agencies and published in the Herald  
17 & News, the Klamath Falls newspaper.

18       5. The property is within the Klamath County Disposal  
19 Company's solid waste collection franchise, served by the county  
20 landfill on Old Fort Road.

21       6. There is some question whether the site will be served  
22 by city sewer, as can be seen from Exhibit "E".

23       7. The urban area parks, schools and playgrounds will serve  
24 as recreation for this area. This church site will not affect  
25 the need for additional recreational facilities in the immediate  
26 area.

27       8. The Klamath County Land Development Code treats churches  
28 and other civic uses as adjuncts to residential development.

1 Properly developed, the church would have no adverse affects on  
2 the existing or future residential development in the area. There  
3 was concern expressed by a Mr. Golford that construction of a  
4 church would block the view from his property. However, there  
5 was testimony from the Department that so long as the Klamath  
6 County Land Development Code is followed with regard to setbacks  
7 and other pertinent restrictions that this will not be a problem.  
8

9 9. Electrical and telephone services are available to the  
10 site. The property is in County Fire District No. 1. Water is  
11 available to the site from the city.

12 10. At present attendance level, church activities could  
13 warrant well in excess of 75 cars to the property. This traffic  
14 would occur on Sundays or evenings, periods when there would be  
15 little conflict with other traffic flows.

16 11. The proposal conserves energy by developing in an area  
17 where needed utilities and services are available and which has  
18 good access to the Klamath Falls urban area.

19 12. The property is located in the Klamath Falls Urban  
20 Growth Boundary. The property has the available public facil-  
21 ities and services and meets the goals and objectives of the  
22 Klamath County Comprehensive Plan.

23 13. Other than mentioned hereinabove, no one testified in  
24 opposition to the granting of this Conditional Use Permit, and  
25 there was no evidence presented that there would be any adverse  
26 affects on the appropriate development and use of abutting pro-  
27 perty owners and the surrounding area.

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

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1 That real property described as

2 "Being generally located north of Beverly Drive above  
3 Foothill Boulevard, and more particularly described  
4 as being the SE $\frac{1}{4}$ , SW $\frac{1}{4}$  of Section 27, Township 38,  
5 Range 9 and the NE $\frac{1}{4}$ , NW $\frac{1}{4}$  of Section 34, Township 38,  
6 Range 9, Klamath County, Oregon,"

7 is hereby conditionally granted a Conditional Use Permit in  
8 accordance with the terms of the Klamath County Zoning Ordinance  
9 No. 45.2, and, henceforth, will be allowed to establish a  
10 religious assembly in th RH (High Density Residential) zone.

11 Entered at Klamath Falls, Oregon, this 24<sup>th</sup> Day of  
12 September, 1985.

13 KLAMATH COUNTY HEARINGS DIVISION

14 Jim Spindor

15 Jim Spindor, Hearings Officer

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STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of \_\_\_\_\_ the \_\_\_\_\_ day  
of September A.D. 19 85 at 4:02 o'clock P M., and duly recorded in Vol. M85  
of \_\_\_\_\_ Deeds on Page 15536

FEE NONE

Ret: Commissioners Journal

By Evelyn Biehn

County Clerk

Jim Spindor