

61532

BEFORE THE HEARINGS OFFICER

KLAMATH COUNTY, OREGON

1
2
3 In the Matter of Request for) Klamath County Planning
4 Conditional Use Permit 15-86 for) Findings of Fact and Order
5 the City of Klamath Falls)

6 A hearing was held on this matter on April 3, 1986, pursuant
7 to notice given in conformity with Ordinance No. 45.2, Klamath
8 County, before the Klamath County Hearings Officer, Brad Aspell.
9 The applicant was represented by Karen Wendt. The Klamath County
10 Planning Department was represented by J.K. Lundahl. The Hearings
11 Reporter was Janet Libercajt.

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

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

17 Klamath County Exhibit A, Staff Report

18 Klamath County Exhibit B, Site Plan

19 Klamath County Exhibit C, Assessor's Map

20 Klamath County Exhibit D, Pictures (3 page document)

21 Klamath County Exhibit E, Letter from Dept. of Health Services

22 The hearing was then closed, and based upon the evidence
23 submitted at the hearing, the Hearings Officer made the following
24 Findings of Fact:

25 FINDINGS OF FACT:

26 1. Applicant, City of Klamath Falls, is the owner of the
27 subject property, having acquired the interest of Suburban Water
28 Company in the immediate area. The property is located at

1986 MAY 20 AM 9 16

1 2623 Debbie Drive, more particularly known as a Portion of
 2 Lot 1, Block 2, Township 39 South, Range 8 East, Klamath County,
 3 Oregon, bearing Tax Account No. 3908-12A-500, all located within
 4 the Country Village Subdivision of Klamath County. The subject
 5 property is on the east side of Debbie Drive, approximately
 6 160 feet north of the northeast corner of Sue Drive as shown on
 7 Klamath County, Exhibit "C". The property is designated in the
 8 Klamath County Comprehensive Land Use Plan as Residential and
 9 carries a zone designation of RS (Suburban Residential). The
 10 property is generally rectangular with dimensions of 50 feet by
 11 72 feet. Looking west from the subject property towards Orindale
 12 Road is a truck repair facility designated in the Comprehensive
 13 Plan as Industrial and zoned IL (Light Industrial). The property
 14 in the immediate vicinity generally consists of older small farm
 15 properties and mobile homes. Topography is generally level with
 16 surface drainage from the east to the west. Presently a mobile
 17 home is situate on the property which, on approval of this
 18 application, will be moved from the subject lot.

19 2. Applicant seeks a Conditional Use Permit under Klamath
 20 County Land Development Code Section 51.005(C)(8) and Klamath
 21 County Land Development Code Section 44.003, to convert a current
 22 domestic production well on the site to a production well, for
 23 the construction of a water well house, and for an interconnect
 24 of facility into the City of Klamath Falls municipal water
 25 service.

26 3. The Hearings Officer notes that the subject property is
 27 located within the Klamath Falls Urban Growth Boundary and in the
 28 franchise area previously granted to Suburban Water Company.
 C.U.P. 15-86/City of Klamath Falls
 Page 2

1 Water at the site is available by domestic well as well as from
2 the City of Klamath Falls. Sewage disposal is by individual
3 septic tank. The property lies within Klamath County Fire
4 District No. 1. Electrical service is provided by Pacific Power
5 & Light Company. The property is located within the Klamath Falls
6 attendance area of the Klamath Falls School District.

7 4. No timbersite productivity rating nor soil classification
8 data is available for the subject property.

9 5. Applicant has submitted an Exhibit "D", photograph
10 showing a representative above-ground pump house. Applicant
11 proposes a similar above-ground structure with the dimensions of
12 16 feet by 24 feet.

13 6. The Hearings Officer finds that the property was selected
14 due to the existing good production well on the site and the
15 logical proximity to existing water distribution facilities. The
16 Hearings Officer further takes official notice that in periods of
17 drought or high water consumption that the City of Klamath Falls,
18 has from time to time had unacceptably low water storage levels
19 and that addition of another well and pump would improve supply
20 of potable water and available fire protection.

21 7. The Hearings Officer finds that a pump building is
22 conditionally permitted under Klamath County Land Development
23 Code Section 51.005(C)(A) as an extensive impact service.
24 Criteria found in Section 44.003(A) has been met.

25 8. The Hearings Officer finds the following Klamath County
26 Comprehensive Plan policies applicable:

27 A. Goal 1 (Citizen Involvement) has been met. Notice
28 has been given to adjacent property owners, affected public
C.U.P. 15-86/City of Klamath Falls
Page 3

1 agencies, and published in the Herald and News. The Hearings
2 Officer finds that no additional public input was received.

3 B. Goal 2 (Land Use Planning) has been met. The use
4 is a permitted use under Land Development Code Section
5 51.005(C) 8.

6 C. Goals 3 through 9 and Goals 12 and 13 do not
7 apply to this application.

8 D. Goal 10 (Housing) has been met in that approval
9 of the application will improve water service and fire
10 protection within the area which is largely undeveloped which
11 is platted and dedicated for Suburban Residential use.
12 Approval of the application will encourage implementation
13 of the Comprehensive Land Use Plan by directing further
14 development into planned areas for municipal services.

15 E. Goal 11 (Public Facilities and Services). The
16 added service within the Urban Growth Boundary is appropriate
17 to orderly growth and development.

18 F. Goal 14 (Urbanization) has been met, as the
19 increased services within the Urban Growth Boundary will
20 make development in this area more attractive. The criteria
21 found in Land Development Code Section 44.003(B) have been
22 met.

23 9. The location, size, design and operating characteristics
24 of the proposed development will be compatible with and not have
25 significant adverse effects upon appropriate development and use
26 of abutting properties in the surrounding neighborhood subject
27 to the following conditions:

28 A. That the existing mobile home on the subject

1 property be removed.

2 B. That the area surrounding the building be suitably
3 landscaped and a lawn planted and maintained, generally
4 consistent with Suburban Residential landscaping. That all
5 fences comply with Klamath County Land Development Code,
6 Article 64.

7 Based upon the foregoing Findings of Fact, the Hearings
8 Officer makes the following Conclusions of Law.

9 CONCLUSIONS OF LAW:

10 1. That the use is conditionally permitted in the zone in
11 which it is proposed to be located.

12 2. That the location, size, design, and operating charac-
13 teristics of the proposed use are in conformance with the Klamath
14 County Comprehensive Plan.

15 3. That the location, size, design, and operating charac-
16 teristics of the proposed development will be compatible with and
17 will not have significant adverse effects on the appropriate
18 development and use of abutting properties and the surrounding
19 neighborhood.

20 4. The location, size, design and operating characteristics
21 of the proposed development will be compatible with and not have
22 significant adverse effects upon appropriate development and use
23 of abutting properties in the surrounding neighborhood subject
24 to the following conditions:

25 A. That the existing mobile home on the subject
26 property be removed.

27 B. That the area surrounding the building be suitably
28 landscaped and a lawn planted and maintained, generally

8597

consistent with Suburban Residential landscaping.
That all fences comply with Klamath County Land Development
Code, Article 64.

The Hearings Officer, based on the foregoing, accordingly
orders as follows:


That real property described as

"Being generally located on the east side of Debbie Drive,
160 feet north of the NE corner of Sue Drive at
2623 Debbie Drive, and more particularly described as
a Portion of Lot 1, Block 2, Township 39 South, Range 8
East, Section 12A, Tax Lot 500, Country Village
Subdivision, Klamath County, Oregon,"

is hereby conditionally granted a Conditional Use Permit in
accordance with the terms of the Klamath County Zoning Ordinance
No. 45.2, and, henceforth, will be allowed to construct a water
well house in the RS (Suburban Residential) zone.

Entered at Klamath Falls, Oregon, this 15 Day of May, 1986.

KLAMATH COUNTY HEARINGS DIVISION

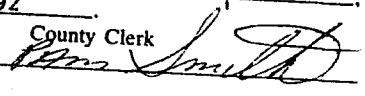

Bradford J. Aspell
Hearings Officer

STATE OF OREGON: COUNTY OF KLAMATH ss.

Filed for record at request of _____
of May A.D., 19 86 at 9:16 o'clock A M., and duly recorded in Vol. M86
of Deeds on Page 8592

FEE NONE

Return: Commissioners journal

Evelyn Biehn, County Clerk
By 

28

C.U.P. 15-86/City of Klamath Falls
Page 6