

72269

BEFORE THE HEARINGS OFFICER

Vol. 1087 Page 3961

KLAMATH COUNTY, OREGON

In the Matter of a Request for
CONDITIONAL USE PERMIT
for

Case No. 3-87

FINDINGS OF FACT,
CONCLUSIONS OF LAW
AND DECISION

BEATTY VOLUNTEER FIRE DEPT., INC.

THIS MATTER came before

Assistant Hearings Officer,
JAMES R. UERLINGS, on the 5th of March, 1987, at 10 A.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 was
represented by Glen H. Brown. The Klamath County Planning
Department was represented by Kim Lundahl.

The following exhibits were marked, entered and
received into evidence: Exhibits "A" through "G".

The Assistant Hearings Officer, after reviewing the
evidence presented, makes the following findings of fact,
conclusions of law and decision.

FINDINGS OF FACT:

1. The applicant has applied for a conditional use
permit in order to establish a 1728 square foot fire station on
0.73 acres of property located North of Beatty, Oregon. The site
is located East of Godowa Springs Road, approximately 1200 feet
North of State Highway 140 East. The volunteer fire department
has received equipment donations from the Sprague River volunteer
fire department that they intend to use at the fire station.
2. Fires have occurred in residences and buildings in
Beatty over the past several years that have not been

FINDINGS OF FACT, CONCLUSIONS OF LAW
AND DECISION, Page 1.

BOIVIN & UERLINGS, P.C.
ATTORNEYS AT LAW
110 NORTH SIXTH STREET, SUITE 209
KLAMATH FALLS, OREGON 97601
(503) 884-8101

1 extinguished, due to the long distance fire equipment needs to
2 travel from Bly or Sprague River.

3 3. The property is located North of Highway 140 East,
4 East of Godowa Springs Road, Beatty, Oregon. The property is
5 described as a portion of the SW 1/4 of Section 14, Township 36,
6 Range 12, Klamath County, Oregon, described as Tax Lot 3612-14C-
7 1000.

8 4. The Plan Designation of the property is Rural, the
9 Zone Designation is R-1. The property is 198' x 190' in
10 dimension, square in shape. The topography is level with general
11 drainage consisting of surface runoff to the South. Vegetation
12 consists of natural grasses.

13 5. Access to the property is over Godowa Springs
14 Road, a County paved road.

15 6. Soil and timber productivity ratings do not apply
16 to the property.

17 7. The unique physical characteristics of surrounding
18 property consist of Mason Auto Wrecking Yard to the South and
19 rural and agricultural uses to the North, East and West.
20 Adjacent and surrounding zoning consists of Heavy Industrial to
21 the South, R-1 to the North, EFU-CG to the East and West.

22 8. Public facilities and services to the property are
23 water by individual well, sewer by individual sub-surface system
24 and electricity by Pacific Power & Light.

25 KLAMATH COUNTY DEVELOPMENT CODE CRITERIA:

26 1. Klamath County Development Code Section 44.003
27 sets forth the criteria for consideration in the application of a
28 conditional use permit:

FINDINGS OF FACT, CONCLUSIONS OF LAW
AND DECISION, Page 2.

1 A. That the use is conditionally permitted in
2 the zone in which it is proposed.

3 B. That the location, size, design and operating
4 characteristics of the proposed uses is in conformance with the
5 Klamath County Comprehensive Plan.

6 C. That the location, size, design and operating
7 characteristics of the proposed development will be compatible
8 with, and will not adversely effect, the livability or
9 appropriate development of abutting properties in the surrounding
10 neighborhood. Consideration shall be given to the harmony in
11 scale, bulk and utilities; to harmful effects, if any, upon
12 desirable neighborhood character; to the generation of traffic
13 and the capacity of surrounding streets and to other relevant
14 impact of development.

15 KLAMATH COUNTY GOALS AND POLICIES COMPLIANCE:

16 See Exhibit "A" attached hereto and incorporated by
17 this reference.

18 KLAMATH COUNTY DEVELOPMENT CODE FINDINGS AND CONCLUSIONS:

19 1. The proposed use is conditionally permitted under
20 the Klamath County Land Development Code for the zone in which it
21 is proposed.

22 2. The location, size, design and operating
23 characteristics of the proposed use are in conformance with the
24 Klamath County Comprehensive Plan if conditions as imposed herein
25 are applied.

26 3. The location, size, design and operating
27 characteristics of the proposed development will be compatible
28 with, and will not have a significant adverse effect on, the

FINDINGS OF FACT, CONCLUSIONS OF LAW
AND DECISION, Page 3.

1 appropriate development and use of abutting properties and the
2 surrounding neighborhood when the conditions as set forth herein
3 are applied. Consideration has been given to harmony in scale,
4 bulk, coverage and density, to the availability of utilities, to
5 the harmful effects (if any), upon the desirable neighborhood
6 characteristics and livability, to the generation of traffic and
7 the capacity of surrounding streets and to other relevant factors
8 effecting the impact of this development.

9 4. The following conditions are deemed necessary to
10 protect the health, safety and welfare of the citizens of Klamath
11 County:

12 A. That the applicant follow the plot plan,
13 Exhibit "B" as filed herein.

14 B. That the applicant comply with the conditions
15 requested in the letter from the Klamath County Department of
16 Health Services dated February 24, 1987, items 1. and 2; said
17 letter is attached hereto, marked Exhibit "C" and incorporated by
18 this reference.

19 CONCLUSIONS OF LAW AND DECISION:

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

23 2. This request for a conditional use permit is
24 consistent with, and complies with, all applicable Klamath County
25 land use planning policies.

26 ///

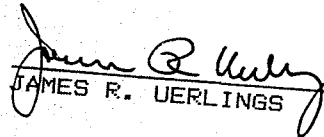
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FINDINGS OF FACT, CONCLUSIONS OF LAW
AND DECISION, Page 4.

1 THEREFORE, IT IS HEREBY ORDERED that this request for a
2 conditional use permit on the subject property is granted,
3 subject to the applicant following the conditions as set forth
4 above.

5 DATED this 11 day of March, 1987.

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9 JAMES R. UERLINGS

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FINDINGS OF FACT, CONCLUSIONS OF LAW
AND DECISION, Page 5.

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Conformance with Relevant Klamath County Policies:

Citizen Involvement:

The County shall provide for continued citizen involvement opportunities.

A public hearing has been set for March 5, 1987, before the Hearings Officer.

Notice has been sent to surrounding property owners and agencies of concern. Notice has also been published in the Herald and News and posted in public places.

Land Use Planning:

This hearing is held to implement Plan Policies and the provisions of Land Development Code Section 51.004(C)(10).

Air, Water, and Land Resource Quality:

A septic system on the subject site would be subject to County Health Department review standards for approval. It appears no other waste discharge will result from this facility.

Natural Disasters and Hazards:

The site is located in a high fire hazard area. Establishment of this fire station would improve fire protection to nearby areas.

Economy:

The proposed station would, of course, have short-term economic benefits due to construction, and will have long-term benefits to surrounding property owners through lower fire insurance rates.

Public Facilities and Services:

The County shall cooperate with the appropriate agencies in the improvement of fire protection services.

The proposal will improve the level of public services available to this area by allowing a quicker response to fire calls.

Transportation:

The property fronts Godowa Springs Road, a paved County road, which appears to carry the kind of traffic that would be generated from the proposed use. A road approach permit will need to be acquired from Klamath County Public Works.

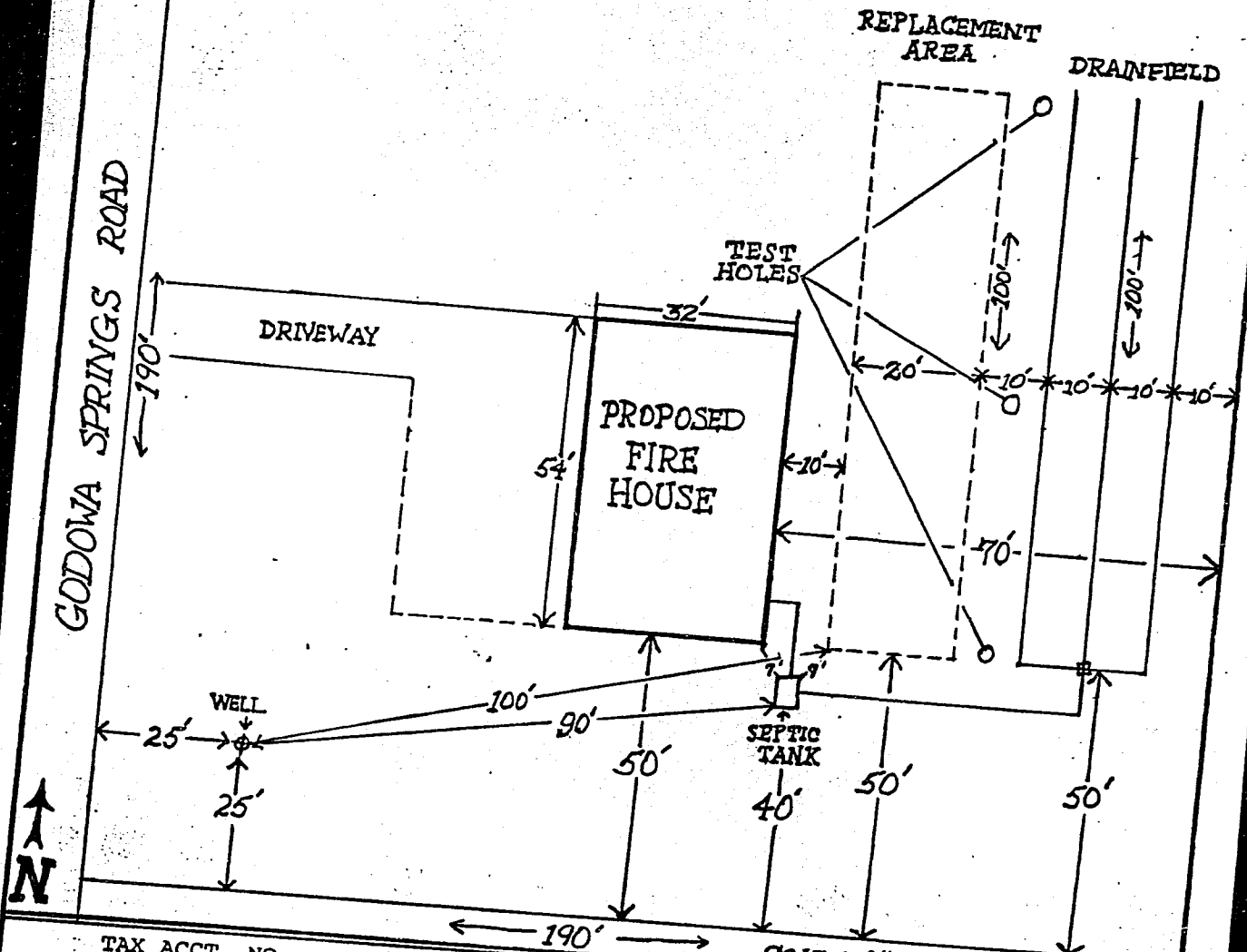
Conformance with Relevant Klamath County Policies Continued:

Energy:

The proposed fire station would certainly save time and fuel costs.

PLOT PLAN FOR SITE PLAN APPROVAL

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TAX ACCT. NO. : 3612-14C-1000
 EXISTING USE : VACANT
 PROPOSED USE : FIRE DEPARTMENT
 WATER SUPPLY : WELL
 SEWAGE DISPOSAL: SEPTIC SYSTEM

LANDSCAPE PLAN
 (If Required) : NA
 DRAINAGE AND GRADING
 PLAN (If Required) : NA

John M. Brown
 APPLICANT/OWNER SIGNATURE

EXB.
 Plot Plan

EXHIBIT "B"

Klamath County Department of Health Services

3300 VANDENBERG ROAD
KLAMATH FALLS, OREGON 97603

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PUBLIC HEALTH

503 / 882-8846

Administration
Nursing Services
Vital Statistics
WIC - Nutritional

ENVIRONMENTAL HEALTH

503 / 883-1122

Food Service
DEQ
Tourist & Travelers
Water Programs

MEMO TO: Klamath County Planning Department

FROM: Robert Baggett, R.S., Director
Environmental Health Division *RB*

DATE: February 24, 1987

SUBJECT: ~~CLIP 3-87/B.V.F.D.~~

OAR Chapter 840 requires the following regarding on-site sewage disposal:

1. A Site Evaluation and a Permit prior to installation of a new system.
2. An Authorization Notice prior to connecting to, or changing the use of, an existing system.

We ask that compliance with these requirements be made a condition for approval of the C.U.P.

Please forward the attached application procedures to the applicant.

KW

KLAMATH COUNTY DEPARTMENT OF HEALTH SERVICES
ENVIRONMENTAL HEALTH DIVISION
3300 Vandenberg Road, Klamath Falls, Oregon 97603
Telephone: (503) 883-1122

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APPLICATION PROCEDURE FOR INSTALLING AN ON-SITE (SEPTIC) SYSTEM

OAR 340-71-150(2): Incomplete applications shall be returned to the applicant to be completed.

Site Evaluation:

Obtain application and fill out the following: (top section) Owner name, mailing address, phone; highway to road to lot directions; legal description: township, range, section, tax lot number, (if in a subdivision, include name, lot and block); amount of acreage or lot dimensions; owner/applicant signature.

(bottom section) Indicate "test holes ready now" or "will call"; source and type of water supply, public or private; proposed use: such as single family residence, number of bedrooms, if known.

Provide a tax lot map with the location of the test holes indicated. A tax lot map may be obtained from the County Assessors Office.

Provide two test holes, one in the area of the proposed drainfield and one 100' away in the area that will be reserved for future drainfield replacement. The holes are to be 2 X 4 X 6 feet deep, sloped on one end. POST OWNER/APPLICANT NAME AT ENTRANCE TO PROPERTY.

Send or bring application in with required map and fee. Site evaluation fee for single family residence is \$165.00 - for other proposed use contact this office for fee amount. You will be given a receipt. This is neither an approval nor a construction permit.

After the site evaluation, results will be typed in report form and mailed out. If approval is granted the report will indicate system design specifications and location. If denied, reasons for such denial and alternative procedures will be noted.

Installation - Construction: Permit and fee required.

A construction permit must be issued by this office before the system is installed. Obtain an application and fill it out as described in paragraph one. A DETAILED PLOT PLAN MUST BE SUBMITTED, (a plot plan guide is sent with the site evaluation report, or is available at this office), AND THE KLAMATH COUNTY PLANNING DEPARTMENT MUST SIGN THE LAND USE COMPATIBILITY STATEMENT ON THE APPLICATION BEFORE A CONSTRUCTION PERMIT WILL BE ISSUED.

Any work, even digging the trenches or the hole for the tank, must be performed by a LICENSED installer or the property owner. After the system is installed, notify this office that you are ready for a pre-cover inspection. We will perform the inspection within 7 days. After we have inspected the system and no corrections are required, the system can be covered. A Certificate of Satisfactory Completion will be mailed to you.

app:cf/rev 10/86

EXHIBIT "C", Page 2.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County Planning Dept. the 12th day of March A.D., 19 87 at 9:44 o'clock A M., and duly recorded in Vol. M87 of Deeds on Page 3961.

FEE NO FEE

Return: Commissioners' Journal

Evelyn Biehn, County Clerk
By [Signature]