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Vol. M87 Page 4940

BEFORE THE HEARINGS OFFICER

KLAMATH COUNTY, OREGON

In the Matter of a Request for) Case 2-87
CONDITIONAL USE PERMIT)
for) FINDINGS OF FACT,
CHURCH OF JESUS CHRIST OF LATTER) CONCLUSIONS OF LAW
DAY SAINTS/DEE RAY JENSEN) AND DECISION

THIS MATTER came on for hearing before Assistant Hearings Officer, JAMES R. UERLINGS, on the 19th 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 Dee Ray Jensen. The Klamath County Planning Department was represented by Kim Lundahl.

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

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 filed a request for a conditional use permit in order to permit the construction of a church building of approximately 15,000 square feet to be built in three phases. The conditional use permit is requested for the full development of the site to 15,000 square feet.

2. The subject property is generally located in the

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

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87 MAR 20 AM 9 18

1 Northwest corner of Highway 66 and Brennan Drive, Keno, Oregon.
2 The legal description is as follows: A portion of the NE 1/4,
3 Section 1, Township 40, Range 7, East of the Willamette Meridian,
4 Klamath County, Oregon, bearing Tax Account Number 4007-1A-1800.

5 3. The Plan Designation of the property is Rural and
6 the Zone Designation is R-1. The property's dimensions are 285
7 feet by 458 feet. The shape of the property is rectangular and
8 the topography includes gentle downslopes West to East. General
9 drainage consists of surface runoff. The vegetation on the
10 property consists of brush and scattered pines. Access to the
11 property would be off Brennan Drive, an unpaved public road.
12 Soil ratings and timber site productivity ratings do not apply to
13 this application.

14 4. Unique physical characteristics of the surrounding
15 property include rural residential development and the Pacific
16 Power & Light park facility.

17 5. Adjacent and surrounding zoning consists of R-1
18 (Rural, 1 Acre Minimum).

19 6. Public facilities and services serving the
20 property are water by individual well, sewer by individual
21 subsurface septic system, and fire protection by the Keno Rural
22 Fire Protection District. Electricity is provided by Pacific
23 Power & Light.

24 7. There were no surrounding property owners that
25 appeared in opposition to the request for a conditional use
26 permit.

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

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1 8. A representative from the Keno Rural Fire
2 Protection District and Don Gourley, Director of the Klamath
3 County Building Department and a Klamath County Fire Code
4 Officer, gave evidence on the requirements for fire protection
5 for the building. The evidence presented indicated that, under
6 the Fire Code as adopted by Klamath County, Don Gourley is the
7 Fire Code Officer responsible for determining the nature of fire
8 protection required to the property.

9 KLAMATH COUNTY DEVELOPMENT CODE CRITERIA:

10 1. Klamath County Development Code Section 44.003
11 sets forth the criteria for consideration in the application of a
12 conditional use permit:

13 A. That the use is conditionally permitted in
14 the zone in which it is proposed.

15 B. That the location, size, design and operating
16 characteristics of the proposed uses is in conformance with the
17 Klamath County Comprehensive Plan.

18 C. That the location, size, design and operating
19 characteristics of the proposed development will be compatible
20 with, and will not adversely effect, the livability or
21 appropriate development of abutting properties in the surrounding
22 neighborhood. Consideration shall be given to the harmony in
23 scale, bulk, and utilities; to harmful effects, if any, upon
24 desirable neighborhood character; to the generation of traffic
25 and the capacity of surrounding streets and to other relevant
26 impact of development.

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

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1 KLAMATH COUNTY GOALS AND POLICIES COMPLIANCE:

2 See Exhibit "A" attached hereto and incorporated by
3 this reference.

4 KLAMATH COUNTY DEVELOPMENT CODE FINDINGS AND CONCLUSIONS:

5 1. The proposed use is conditionally permitted under
6 the Klamath County Land Development Code for the zone in which it
7 is proposed.

8 2. The location, size, design and operating
9 characteristics of the proposed use are in conformance with the
10 Klamath County Comprehensive Plan if conditions as imposed herein
11 are applied.

12 3. The location, size, design and operating
13 characteristics of the proposed development will be compatible
14 with, and will not have a significant adverse effect on, the
15 appropriate development and use of abutting properties and the
16 surrounding neighborhood when the conditions as set forth herein
17 are applied. Consideration has been given to harmony in scale,
18 bulk, coverage and density, to the availability of utilities, to
19 the harmful effects (if any) upon the desirable neighborhood
20 characteristics and livability, to the generation of traffic and
21 the capacity of surrounding streets and to other relevant factors
22 effecting the impact of this development.

23 4. The following conditions are deemed necessary to
24 protect the health, safety and welfare of the citizens of Klamath
25 County:

26 A. That the applicant follow the plot plan submitted

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

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1 as Exhibit "B" to its request for a conditional use permit.

2 B. That the applicant apply for and be granted all
3 building permits and comply with the conditions for issuance of
4 those building permits at each stage of the construction of the
5 facility.

6 C. That the applicant comply with the terms of the
7 Building Code and Fire Code as directed by the Klamath County
8 Building Department and the Klamath County Fire Code Enforcement
9 Officer.

10 D. That the applicant limit the construction of the
11 facility to 15,000 square feet unless an application is filed and
12 granted to extend the terms of this conditional use permit after
13 appropriate public notice and hearing.

14 E. That the applicant improve Brennan Drive by paving
15 it to a width of 24 feet within the 32 foot road right-of-way for
16 a distance of approximately 485 feet to the standards required by
17 Klamath County for acceptance of the road as a "county road".
18 This improvement shall be completed by the applicant within six
19 (6) months of occupancy of the building. The applicant should
20 take care to plan in advance for the paving completion,
21 considering the short paving season within Klamath County.

22 F. The applicant, prior to establishment of accesses
23 from Brennan Road to the property, must request an access
24 indenture from the Board of County Commissioners in compliance
25 with the conditions imposed by the Klamath County Director of
26 Public Works.

1
2 G. The applicant shall comply with the requirements
3 of the Klamath County Department of Health Services for an onsite
4 sewage disposal system, including a site evaluation and permit
5 prior to the installation of a new system and the authorization
6 notice prior to connecting to, or changing the use of, an
7 existing system.

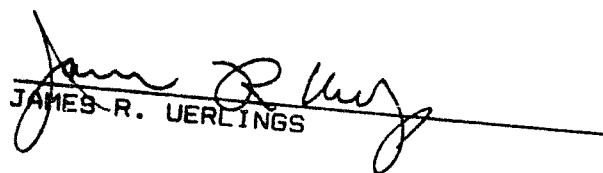
8 CONCLUSIONS OF LAW AND DECISION:

9 1. This request for a conditional use permit on the
10 subject property meets all applicable Klamath County Development
11 Code criteria and policies governing such, subject to the
12 conditions imposed herein.

13 2. This request for a conditional use permit is
14 consistent with, and complies with, all applicable Klamath County
15 land use planning policies, subject to the conditions imposed
16 herein.

17 THEREFORE, IT IS HEREBY ORDERED that this request for a
18 conditional use permit on the subject property is granted,
19 subject to the applicant following the conditions set forth
20 above.

21 DATED this 24 day of March, 1987.

22
23 
24 JAMES R. UERLINGS
25
26

FINDINGS OF FACT, CONCLUSIONS OF LAW
AND DECISION, Page 6.

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Conformance with Relevant Klamath County Policies:

4946

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. This is mitigated by the close proximity and rapid response time of the Keno Rural Fire Protection District.

Economy:

Short-term economic benefit would be derived from construction jobs during development of the facility.

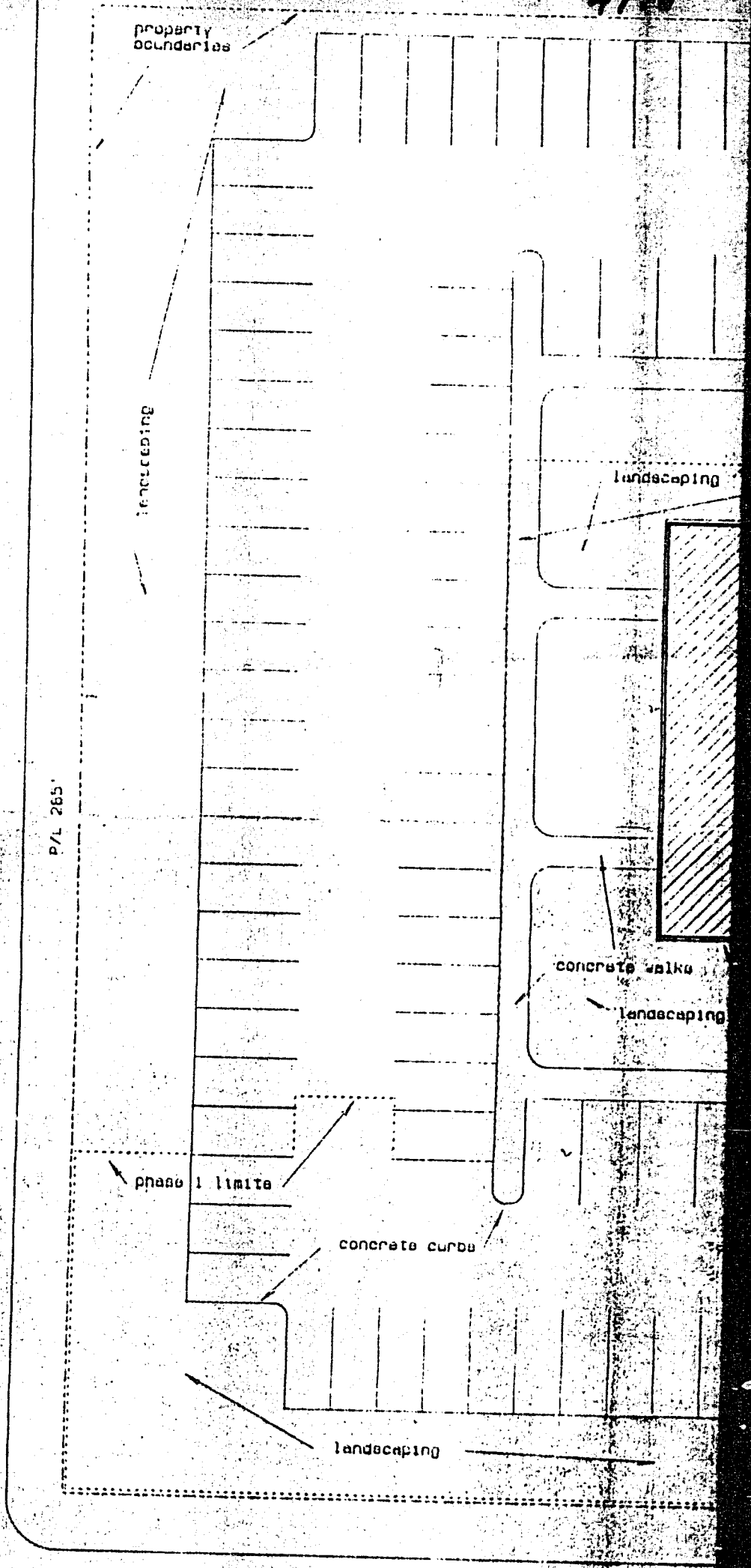
Transportation:

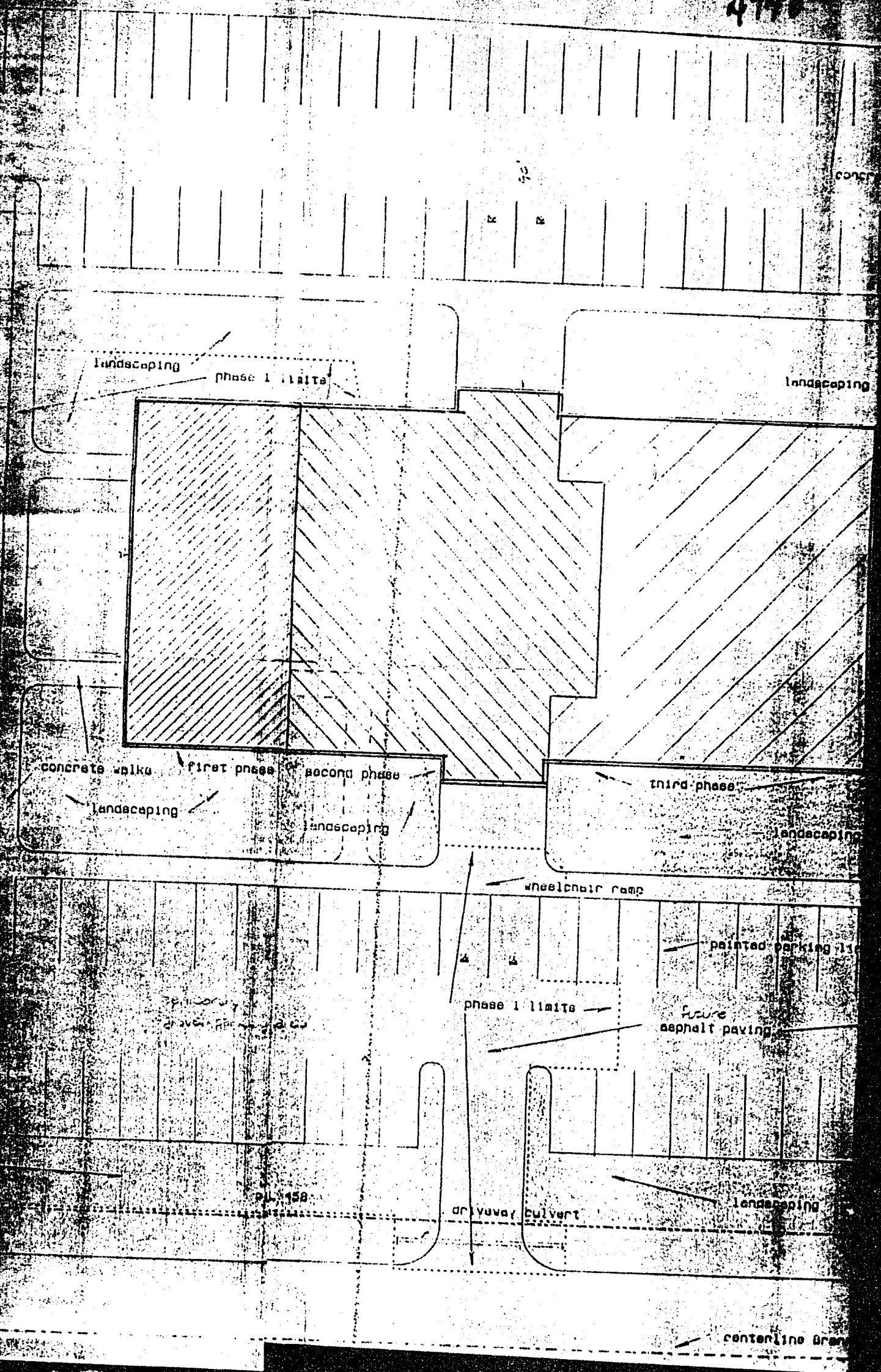
The property fronts Brennan Drive, a non-maintained public road.

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centerline Highway 66 (Pleeth Falls - Ashland)

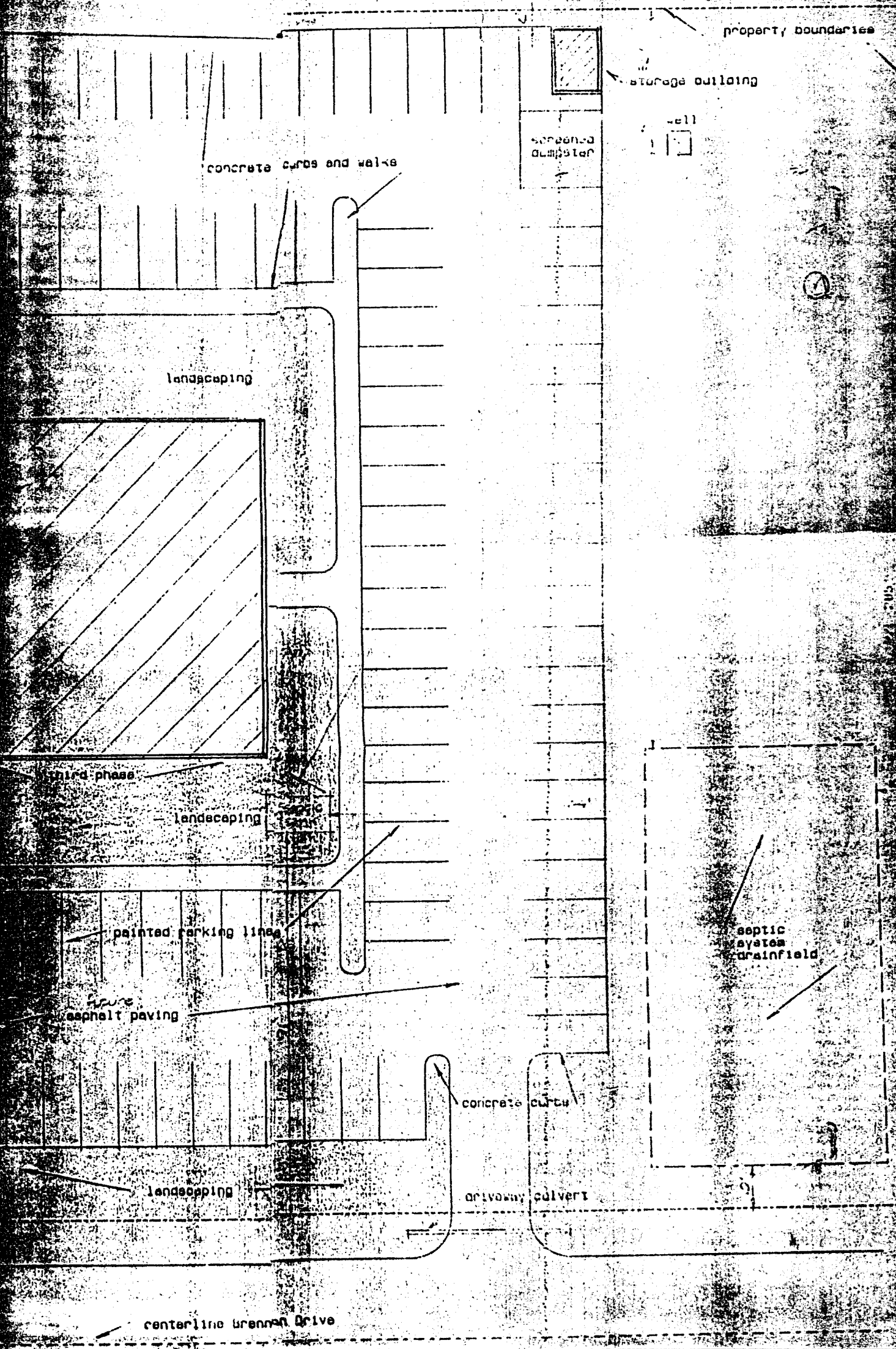
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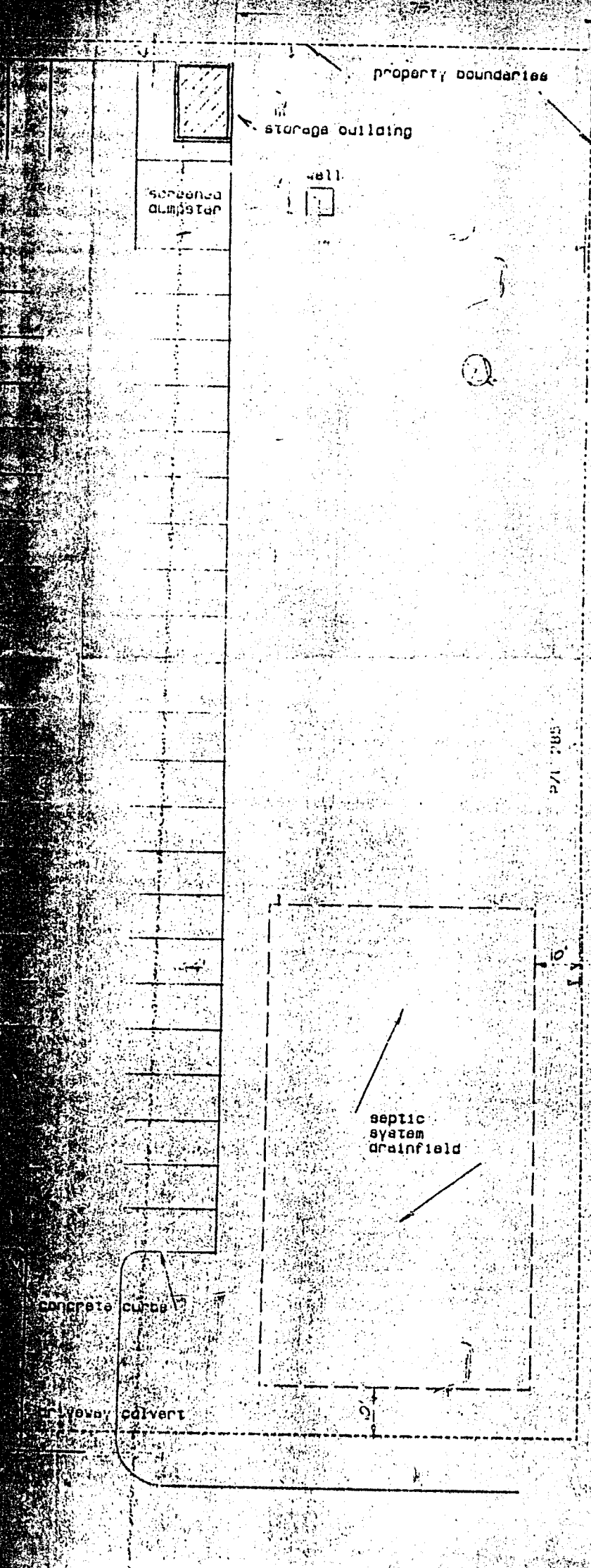




4946 C

75'





4946 D

Exhibit "B"
CUP 2-87
Site Plan

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County Planning Department the 26th day
of March A.D., 19 87 at 9:18 o'clock A M., and duly recorded in Vol. M87
of Deeds on Page 4940

FEE NO FEE
Return: Commissioners' Journal

Evelyn Biehn, County Clerk
By Sam Smith