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CONDITIONAL USE PERMIT
 CUP NO. 46-92

This matter came before Neil D. Smith, Hearings Officer for Klamath County, Oregon on 24 July 1992 in the County Commissioners' Meeting Room in Klamath Falls Oregon. The Klamath County Planning Department was represented by Mr. Kim Lundahl, Senior Planner, the recording secretary was Ms. Karen Burg. The Klamath County Planning Department file and all the exhibits and other contents therein is incorporated by this reference into this matter.

The Hearing was held pursuant to notice given in conformity with the Klamath County Land Development Code and related Statutes and Ordinances. The applicant for the above referenced Conditional Use Permit, was present and testified. Witnesses information was received and found to be in favor of the permit.

There were no witnesses in opposition.

FINDINGS OF FACT

1. Those property descriptions and application information contained in exhibit A are hereby made a part of the record and by this reference incorporated herein as findings of fact.

2. The Applicant's requested Conditional Use Permit is permitted in this zone.

3. The creation of this proposed enterprise will conform to all requirements consistent with Section 51.330 F of the LAND DEVELOPMENT CODE in all its respects.

4. There was opposition to this application from residents living in the subdivision into which the applicant wishes to place the building. Their opposition is summarized below.

1. Mr. Phil Leonard: Concerned regarding the consumption of water in this facility.

2. Mr. Donald Smith: (member of board of fire protection) no plans to add any fire protection "at this time".

3. Ms. Madelane Halnan: Concerned about water

4. consumption and road access.
Mr. John Rollins: Believes that the construction of the Club House will attract and increase crime in the vicinity

Ms. Carol Swope: Described the area as that of retired persons and felt that this facility would create hardship on those living there through the creation of dust on the subdivision roadways.

It appears to this Hearings Officer that the gist of the complaints expressed is that the people attending do not wish the subdivision to be fully developed. This Hearings Officer must notice that the subdivision was in existence when these persons purchased the land upon which they live and that the potential for its full utilization was always apparent. Those in favor of the application, other than the applicant made the following, in substance comments:

1. Mr. David Harris believes the building will enhance the economic value of the area.
2. Mr. Miller Anderson: Attested to the reputation of the applicant to improve conditions as the applicant stated.

CONCLUSIONS

There seemed to be some confusion of most of the persons expressing opinions that this was an application for a subdivision - IT IS NOT. The application is for the construction of a non residential building on the location described in the application and staff report. LDC Section 51.330 F unequivocally allows the construction and use of community assembly buildings, while G allows churches. (The plans submitted do contain a space for a chapel.) LCDC Article 11.030 defines a Community Assembly (bldg.) as "Recreational, social, fraternal multipurpose facilities or buildings owned and operated by a governmental agency or nonprofit community organization." operation proposed being in conformance with the above referenced section of the Land Development Code the Conditional Use Permit should be issued. Provided the building is operated in conformance with the Section quoted above. I.E. as a non profit building.

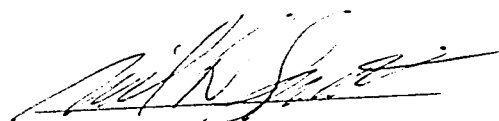
ORDER

Based upon the findings herein the Conditional Use Permit number NO. 46-92. Is granted under the condition that the building is in fact operated as a Community Assembly building under a nonprofit community organization.

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CONTINUATION OF CUP 46-92

DATED this 24th day of July 1992



Neil D. Smith, Hearings Officer

KLAMATH COUNTY LAND DEVELOPMENT CODE SECTION 24.007 PROVIDES:

" An Order of the Hearings Officer shall be final unless appealed within seven (7) days of its mailing by a party having standing in accordance with the procedures set forth in Chapter 3, Article 33 of this Code"

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County the 27th day
of July A.D., 19 92 at 3:57 o'clock P. M., and duly recorded in Vol. M92
of Deeds on Page 16558

Evelyn Biehn
By Dorlene Mulendore County Clerk

FEE none

Return: Commissioners Journal