

BEFORE THE HEARINGS OFFICER OF KLAMATH COUNTY, OREGON

In the Matter of the Request for a
Conditional Use Permit by

PERRY WELKER and PAULETTE WELKER,
Applicants.

CUP 75-97

ORDER

97 SEP 11 P1:03

1. NATURE OF THE REQUEST:

The applicants wish to establish a golf course and accessory uses on 400 acres zoned NR. The request was heard by the Hearings Officer on August 15, 1997, pursuant to Ordinances 44 and 45. The request was reviewed for conformity with Land Development Code, Articles 56 and 44.

2. NAMES OF THOSE WHO PARTICIPATED:

The Hearings Officer in review of this application was Neal G. Buchanan. Testimony was offered on behalf of the applicants. The Planning Department was represented by Carl Shuck, and the recording secretary was Karen Burg.

3. PROPERTY LOCATION:

The property under consideration is generally located west of the intersection of Highway 140 West and the Greensprings Highway at the western edge of Klamath Falls. The property is legally described as a portion of Sections 6 and 7, Township 39 S, Range 9 EWM.

4. RELEVANT FACTS:

The property has an implementing zone of NR. The parcel is approximately 400 acres in size.

5. EVIDENCE RECEIVED:

Received were the Staff Report and Application with attachments together with Exhibits B-H.

6. FINDINGS:

The Hearings Officer finds with reference to this Application that:

A. The use complies with policies of the Comprehensive Plan.

Goal 1 - Citizen Involvement

Citizen involvement was solicited both by publishing the notice in the local newspaper and mailing notices to the required surrounding property owners. Further, special notice was given to all agencies who may be affected by the proposal. A time and place for testimony was provided for all interested parties to comment on this proposal.

Goal 2 - Land Use Planning

This project will provide support for the current and anticipated population growth by providing additional recreation opportunities adjacent to the urban area.

Goal 3 - Agricultural Lands

The land on which the golf course is proposed is zoned Non-Resource and consists of primarily Class VII soils.

Goal 4 - Forest Lands

The property is zoned Non-Resource land, therefore forest lands are not affected.

Goal 5 - Open Space, Scenic and Historical Areas, and Natural Resources

By allowing the golf course, the open space is perpetuated. This proposal also provides "visually attractive environments" for the residents of the area and visitors to the area. This proposal also reduces development pressure on outlying natural resources (i.e. destination resorts).

Goal 6 - Air, Water, and Land Resource Quality

Construction of this golf course will 1) reduce the amount of dust which blows off the property and is carried over the basin by the normally westerly winds, 2) improve the quality of the runoff from the property by filtering the water as it passes over the golf course grass and further cleaned by detaining the runoff in ponds which allows contaminants to settle out before leaving the property, and 3) routine maintenance of the golf course will enhance the land resource quality.

Goal 7 - Areas Subject to Natural Disaster and Hazards

There are no known hazards existing on the property. By allowing the golf course construction, detention ponds

will be constructed which will serve as surge ponds in the event of a major runoff, hence reducing the possibility of a future flood hazard.

Goal 8 - Recreation Needs

This project will provide additional recreation opportunities to citizens of the county and visitors to the area.

Goal 9 - County Economy

During construction approximately 20 full time temporary jobs will be created. After construction approximately 10 permanent full time jobs will be available to the local work force. This will generate approximately \$150,000 annually in payroll to the local economy.

Goal 10 - Housing

Since this is Non-Resource property and the project is to construct a golf course, no housing is proposed.

Goal 11 - Public Facilities and Services

No public facilities are required for this development. All facilities necessary are either already existing or will be provided on site.

Goal 12 - Transportation

This project is immediately adjacent to three (3) major arterials (Hwy 97, Hwy 140, and Hwy 66). Being situated adjacent to these arterials no public road will need to be constructed. Also, being adjacent to the City Limits very limited travel will be necessary by its users.

Goal 13 - Energy Conservation

By being located adjacent to the City of Klamath Falls, minimal fuel is consumed to access the facility. With the project site having a southerly facing slope, solar energy can be accessed for heat and various other uses throughout the year.

Goal 14 - Urbanization

This development does not encourage growth outside the existing urban growth boundary since it is on three sides of the project site. This project will instead encourage growth inside the UGB.

B. The proposed use is in conformance with standards and criteria of this code. The Hearings Officer finds that the proposed use is a conditionally allowed use under Non-Resource zoning which incorporated Section 54.030(K). Further, the development will require a site plan review to assure conformance with the standards.

C. The location, size, design and operating characteristics of the proposed use will not have a significant adverse impact on the livability, value or appropriate development of abutting properties in the surrounding area. The Hearings Officer finds that this development, located between two ridges, will be designed and operated to avoid adverse impacts to abutting properties in the surrounding area and should sustain property values and improve livability of abutting properties in the area.

D. The applicant provided documentation to the effect that access to the parcel is from Highway 140 West. In addition, alternative access may be afforded from DeLap Pit Road, Lindley Way, and Autumn Avenue. However, in view of the conflicts in the requests being made by the Oregon Department of Transportation, the Klamath County Public Works Department, and the evidence submitted by the applicant providing for unrestricted access to Highway 140, the Hearings Officer declines to impose as a condition of this Conditional Use Permit any specific condition with reference to access.

7. ORDER:

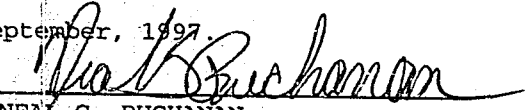
Therefore, it is ordered that the request of Perry and Paulette Welker for CUP 75-97 is approved, subject to the following conditions:

1. The applicant shall comply with the Klamath County Fire District No. 1 required fire code reviews;

2. The applicant must comply with OAR Chapter 340 with reference to on-site sewage disposal, and obtain appropriate permits from the Klamath County Environmental Health Department; and

3. The applicant must provide proof of clearance from the Building Department within two years following the date of this Order, or obtain an extension of time, or this approval will become null and void.

DATED this 10th day of September, 1997.


NEAL G. BUCHANAN
Deputy Hearings Officer

NOTICE OF APPEAL RIGHTS

You are hereby notified this application may be appealed to the Klamath County Board of Commissioners by filing with the Klamath County Planning Department a Notice of Appeal as set out in Section 33.004 of the Klamath County Land Development Code, together with the fee required within SEVEN DAYS following the mailing date of this order.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County Planning the 11th day
of September A.D., 19 97 at 1:03 o'clock P M., and duly recorded in Vol. M97
of Deeds on Page 29841

Return: Commissioners Journal

FEE None

By Bernetha G. Letsch County Clerk
Kathleen Kosa