

KLAMATH COUNTY
PLANNING DEPARTMENT

Applicant)	
)	FINDINGS OF FACT
JOEL GISLER)	
)	AND
Application No.)	
)	ORDER OF APPROVAL
CUP-27-28)	

A public hearing was scheduled and held at 9 a.m. May 1, 1998 in CUP-27-98 to establish a community water system for 61 lots in an acknowledged rural exception area located in northern Klamath County described as a portion of the Leisure Woods subdivision.

Dan Van Vactor, counsel for the Applicant, appeared and testified in favor of the application and responded to the letter submitted by Kathleen Concannon dated 4/26/98.

Andrew Patterson testified in favor of the application as did Dale Lowther and Mike Yoha.

Bill Gibbs testified in his capacity as the representative of the Crescent Fire District and as an individual and resident of the area. The issues raised by the Fire District were addressed by Mr. Van Vactor and did not apply to the pending application. The Klamath County Planning Department recommended approval.

Based on the record and the following findings which are hereby adopted, the Hearings Officer approved CUP-27-98:

Review criteria Klamath County Zoning Ordinance 44.030:

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

Finding: Applicant proposes installing a water system to serve 61 existing lots in Leisure Woods. The Comprehensive Plan requires approval of a conditional use permit prior to construction of a water system. The water system will bring the existing lots into compliance with the purpose of the Rural Residential (R-1) Zone, Article 51.3. The General Plan provides for water systems in the R-1 zone.

B: The use is in conformance with all other required standards and criteria of the code.

Finding: The water system will be constructed to the standards required by Oregon State Health Division. (See Applicant's exhibit)

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 and the surrounding area.

Finding: The water system will be located in public right-of-way or on property owned by Tamarack Properties Inc. The system will be sized and designed to meet Oregon State Health Division requirements utilizing up to 12,000 gallons per day of well water. The water system as designed will not adversely impact the livability or value of surrounding properties, nor will it prevent the appropriate development of these properties.

Goal 11: Public Facilities and Services

Policy 1: In order to achieve the requirements of Statewide Planning Goal 11, the County shall, in cooperation with the City of Klamath Falls, prepare and adopt a public facilities plan describing the water, sewer, transportation, and other urban facilities and services which are to support land uses within the Klamath Falls UGB.

Findings: The project is outside the UGB. Policy is not applicable.

Policy 2: The County may encourage the development of a public facility or service in an urbanizable area only when there is provision for the coordinated development of all other urban facilities and services appropriate to the area.

Findings: The project is not in an urban area. Policy is not applicable.

Policy 3: The County shall encourage rural special districts to assure that domestic water and sewage disposal systems be proved and maintained.

Findings: The project meets this policy and has been supported by County staff.

Policy 4: During the planning of utility lines and facilities, the County shall encourage their location of or adjacent to existing public or private right-of-ways to avoid dividing existing farm units, and attempt to avoid residential areas.

Findings: Project proposes to place water lines in right-of-ways. Project complies with this policy and County staff supports the project.

Policy 5: The County shall encourage, whenever feasible, the development of joint (sharing) facilities and service provision programs.

Findings: This policy does not apply.

Policy 6: The County shall cooperate with the appropriate agencies in the improvement of fire protection service.

Findings: This policy will be complied with by cooperating with the Crescent Fire Protection Association.

Policy 7: The County shall encourage local volunteer organizations and/or agencies to develop and staff appropriate emergency medical aid services to meet local needs.

Findings: This policy does not apply.

Policy 8: The County shall encourage law enforcement services throughout the county.

Findings: This policy does not apply.

Policy 9: Development proposals shall not be approved unless the types and levels of public facilities and services required are available or are to be provided concurrently with defined levels of development within urban and rural areas.

Findings: The project is to provide safe domestic water to existing lots in Leisure Woods.

Policy 10: New Subdivisions will not be approved in rural communities of another rural area unless there are provisions for the coordinated development of water, sewage and fire protection services appropriate to that area and at levels capable of adequately serving the development.

Findings: No new subdivision is proposed. Policy does not apply.

Policy 10: Within the UGB, no new public or private utility districts shall be formed or individual well or septic use for industrial or commercial development approved unless it is found by the County that the service desired cannot be feasibly provided by a recognized preferred provider.

Finding: Project is outside UGB. This policy does not apply.

Policy 11: The County shall establish appropriate and corresponding levels of services for rural lands.

Findings: Service area is zoned R-1. Service requirements for this zone are a community water system. Since County policy requires a community water system, no Plan Amendment is required in order to install a community water system. Project complies with this policy and County staff should support project.

Policy 12: The County shall require a Plan Amendment to change from a "Non-Resource" designation (1 dwelling unit/20 acres) to a higher density rural designation. A change from rural service center or built and committed area (1 dwelling unit/5,000 sq. ft.) will require a Plan Amendment and exception to Goal 14 (Urbanization).

Finding: Policy does not apply.

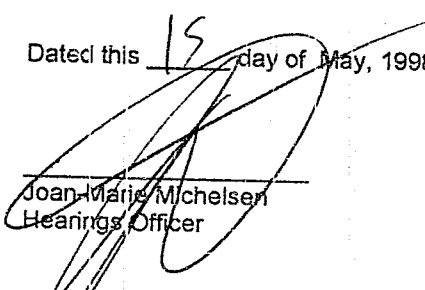
Conclusion: This request meets all the requirements for a conditional use permit and Goal 11: Public Facilities and Services Policies and should be approved.

Finding: That policy does not apply.

Therefore, based on the above findings of fact it is hereby Ordered that:

1. The request for a CUP to develop a community water system for 61 lots in Leisure Woods is approved subject to the conditions herein.
2. The water system shall be constructed to meet all standards required by the Oregon State Health Division.
3. The system shall be located in public rights of ways.
4. The system shall be developed in cooperation with the Crescent Fire Protection Association (CFPA) and shall provide some sort of fire access to water on both sides of the highway. The type of access provided shall be in the discretion of the applicant after consultation with the CFPA.
5. The system shall have no adverse impact on any wetlands.
6. The system shall be used and operated to provide water for domestic uses only.
7. The existing property owners in Leisure Woods shall have the opportunity to hook into this system at a reasonable cost and at a reasonable continuing price. This opportunity for existing owners to hook into this system shall only apply to the water supply which is in excess of that needed for the 61 primary lots.
8. The operator of the system shall have the discretion to limit the usage of any one lot which is hooked into the system.

Dated this 15 day of May, 1998


Joan Marie Michelsen
Hearings Officer

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County the 15th day
of May A.D., 19 98 at 3:32 o'clock P. M., and duly recorded in Vol. M98
of Deeds on Page 16750

Return: Commissioners Journal.

Bernetha G. Letsch, County Clerk

FEE No Fee

By Kathleen Kase