

## BEFORE THE BOARD OF COMMISSIONERS OF KLAMATH COUNTY, OREGON

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

PERRY AND PAULETTA WELKER,  
Applicants

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CUP 75-97  
ORDER

99-040

## 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 Neal Buchanan on August 15, 1997, pursuant to Ordinances 44 and 45. An Order approving the Conditional Use Permit was issued and appealed by the Oregon Department of Transportation to the Board of County Commissioners. The Board of County Commissioners remanded the matter back to the Hearings Officer and an additional hearing was held on June 5, 1998. The applicant, through his attorney, Michael Spencer, filed an ALTERNATIVE WRIT OF MANDAMUS received August 31, 1998, asking that the Circuit Court require Klamath County approve the request.

## 2. NAMES OF THOSE WHO PARTICIPATED:

The Board of Commissioners has reviewed the WRIT and determined it is in the best interest of Klamath County to comply with the petitioners request and conditionally approve the Conditional Use Permit as requested at Action Agenda September 22, 1998.

## 3. PROPERTY LOCATION:

The property under consideration is generally located east 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 39S, Range 9EWM.

## 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. This matter was heard following a remand from the Board of County Commissioners of a prior approval of this permit. The record of the prior proceedings is incorporated into the record of this proceeding.

## 6. FINDINGS:

The Board of Commissioners 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. The condition imposed by this Order that the development not be opened to the public until a traffic signal is installed at the intersection of Hwy. 140 and Hwy. 66 will alleviate any impacts which may result from this development on that intersection. The limitation of use of County roads to being for emergency purposes on Autumn Avenue only will avoid adverse impacts to the safety of those roads.

#### 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 accesses 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 Board of Commissioners 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 Board of Commissioners 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 has a reservation of access on the easterly side of Highway 140 West at Engineering Station 432 + 86. This reservation of access confers on the property owner the right to apply to the Oregon Department of Transportation for a road approach permit to access the property from Highway 140. The road approach permit, if granted, would specify the exact location, use and limitations of the access and will specify necessary road approach improvements to assure safe and efficient ingress and egress including, but not limited to, left-turn and deceleration lanes. Further, ODOT reserves the right to terminate the road approach permit at Engineering Station 432 + 86 at such time as ODOT determines that alternate access at the anticipated road approach across from Orindale Road becomes available.

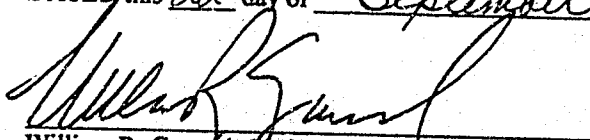
#### 7. ORDER

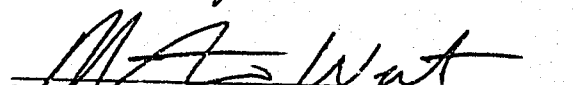
Therefore, it is ordered that the request of Perry and Pauletta Welker for CUP 75-97 is approved, subject to the following conditions:

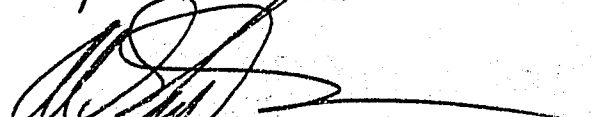
- 1. The applicant shall comply with the Klamath County Fire District No. 1 required fire code reviews.
- 2. The applicant must comply with OAR Chapter 340 with reference to on-site sewage disposal, and obtain appropriate permits from the Klamath County Environmental Health Department.
- 3. Klamath County will not issue occupancy permits for the development until such time as a traffic signal is installed, tested and operational at the intersection of Highways 140 and 66 in accordance with the standards of the Oregon Department of Transportation as determined by the ODOT Region Traffic Operations Manager. Said traffic signal shall be provided at no cost to ODOT other than the design of the signal.
- 4. Only emergency access may be made to Autumn Avenue and no access shall be made to any of the other County roads which access this project.

5. 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.

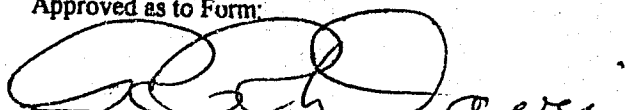
DATED this 22<sup>nd</sup> day of September, 1998

  
William R. Garrard, Chairman

  
M. Steven West, Commissioner

  
Al Switzer, Commissioner

Approved as to Form:

  
Reginald R. Davis, County Counsel

### NOTICE OF APPEAL RIGHTS

You are hereby notified this decision may be appealed to the Land Use Board of Appeals within 21 days following the date of execution of this ORDER. Contact the Land Use Board of Appeals for information as how to file this appeal. Failure to do so in a timely manner may affect your right to appeal.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of \_\_\_\_\_ the 23rd day  
of Sept A.D., 19 98 at 2:25 o'clock P M., and duly recorded in Vol. M98  
of \_\_\_\_\_ Deeds \_\_\_\_\_ on Page 34906

FEE NO FEE

Return: Commissioners Journal

By Bernetha G. Letsch Bernetha G. Letsch, County Clerk  
Kathleen Ross