

BEFORE THE HEARINGS OFFICER
FOR KLAMATH COUNTY, OREGON

1 In the Matter of a
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3
4 REQUEST FOR VARIANCE
5 for
6 ERMA RALSTON
7

) NO. 6-83
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FINDINGS OF FACT, DECISION
AND ORDER

8 THIS MATTER came on for a hearing before the Klamath
9 County Assistant Hearings Officer, JAMES R. UERLINGS, on
10 April 21, 1983, at 1:30 p.m. in the Commissioners' Hearing
11 Room at the Klamath County Courthouse. The applicant was
12 present and the Klamath County Planning Department was rep-
13 resented by Jonathan Chudnoff. No person appeared in opposition
14 to the request for variance. The following exhibits were
15 offered, received and made a part of the record: Exhibits
16 "A" through "C".

17 The Assistant Hearings Officer, after reviewing the
18 evidence, renders the following findings of fact and decision:
19 FINDINGS OF FACT:

20 1. The applicant is the owner of the subject property
21 located at 4442 Austin Street, Klamath Falls, Oregon, known as
22 Tax Lot 3909-1034-7600. The site currently has a house located
23 on it which the applicant has testified is in a state of
24 disrepair and it would not be economically possible for
25 this house to be repaired.

26 2. The applicant desires the variance so that she
FINDINGS OF FACT, DECISION AND ORDER
Page 1.

1 may place a mobile home, 14' wide, in an urban area rather than
2 the required 20' wide mobile home. The applicant would be
3 removing the current structure from the property in order to
4 install the mobile home.

5 KLAMATH COUNTY DEVELOPMENT CODE CRITERIA:

6 See Exhibit "AA" attached hereto and incorporated by
7 this reference.

8 KLAMATH COUNTY DEVELOPMENT CODE FINDINGS:

- 9 1. See Findings of Fact section, number 1-2.
10 2. A literal enforcement of this code would result
11 in a practical difficulty or unnecessary hardship to the appli-
12 cant in that personal circumstances of the applicant prevent
13 the currently existing house being remodeled in an economical
14 fashion; thus resulting in a greater private expense than
15 public benefit from strict enforcement of the 20' wide mobile
16 home restriction.
17 3. The condition causing the difficulty was not
18 created by the applicant but by the deteriorating condition
19 of the present structure.
20 4. The granting of this variance will not be detrimental
21 to the public health, safety and welfare, or to the use and
22 enjoyment of adjacent properties and will not be contrary to
23 the intent of this Code.

24 STATE-WIDE PLANNING GOALS AND CRITERIA:

25 See Exhibit "BB" attached hereto and incorporated
26 by this reference.

1 CONCLUSIONS OF LAW AND DECISION:

2 A. This request for variance satisfies all applicable
3 Klamath County Development Code Criteria and policies governing
4 variances.

5 B. This request for variance is in conformity with
6 the Klamath County Comprehensive Land Use Plan.

7 C. This request for variance is consistent and complies
8 with the applicable State-wide Planning Goals.

9 D. This request for variance is consistent and com-
10 plies with all requirements of State law.

11 There is substantial evidence in the record to support
12 this request for variance and no evidence was submitted in
13 opposition thereto.

14 THEREFORE, it is hereby ordered that this variance
15 be granted.

16 DATED this 26 day of April, 1983.

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JAMES R. UERLINGS

KLAMATH COUNTY DEVELOPMENT CODE CRITERIA:

6487

SECTION 43.003 - REVIEW CRITERIA

A Variance shall be granted only upon finding by the review authority that it satisfies the following criteria:

A. That a literal enforcement of this Code would result in practical difficulty or unnecessary hardship. The difficulty or hardship may arise from the property's size, shape or topography, from the location of lawfully existing buildings and improvements, or from personal circumstances which would result in greater private expense than public benefit of strict enforcement.

B. That the condition causing the difficulty was not created by the applicant.

C. That the granting of the Variance will not be detrimental to the public health, safety, and welfare or to the use and enjoyment of adjacent properties and will not be contrary to the intent of this Code.

EXHIBIT "AA"

COMPREHENSIVE PLAN POLICIES AND STATE LAND USE GOALS 1 - 14

6488

GOAL NO. 1 - Citizen Involvement

☒ Complies ☐ Does not Comply

☐ Complies with conditions

☐ Not applicable

Relevant Policies:

1. "The County shall provide for continued citizen involvement opportunities."

State Goal Issues:

A public hearing on this matter has been set for April 21, 1983. Notice has been sent to neighboring property owners, concerned public agencies and published in the Herald and News.

GOAL NO. 2 - Land Use Planning

☒ Complies ☐ Does not comply

☐ Complies with conditions

☐ Not applicable

Relevant Policies:

Article 46 Major/Minor Partition Section 46.003 Review Criteria

	Complies	Does not Comply	N.A.
A -	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B -	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C -	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D -	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
E -	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
F -	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
G -	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
H -	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I -	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J -	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
K -	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
L -	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

State Goal Issues:

The area is planned and zoned for residential use. The neighborhood has a mixture of houses and mobile homes, with most of the mobile homes being single-wides of the type requested by Mrs. Ralston.

GOAL NO. 3 - Agricultural Lands

- ☐ Complies ☐ Does not Comply
☐ Complies with conditions
☒ Not applicable

6489

Relevant Policies:

State Goal Issues:

The property is in a developed, residential area within the Klamath Falls Urban Growth Boundary.

GOAL NO. 4 - Forest Lands

- ☐ Complies ☐ Does not Comply
☐ Complies with conditions
☒ Not applicable

Relevant Policies:

State Goal Issues:

The property is in a developed, residential area within the Klamath Falls Urban Growth Boundary.

GOAL NO. 5 - Open Space, Scenic and Historic Areas, and Natural Resources

6490

☐ Complies ☐ Does not Comply

☐ Complies with conditions

☒ Not applicable

Relevant Policies:

State Goal Issues:

There are no inventoried scenic, historic or natural resources which would be affected by the requested variance.

GOAL NO. 6 - Air Water and Land Resource Quality

☐ Complies ☐ Does not Comply

☐ Complies with Conditions

☒ Not applicable

Relevant Policies:

The property is within the airport noise area which does not allow the residential density to increase. This request for a mobile home is consistent with that requirement.

State Goal Issues:

Air, water, or land resource quality would not be affected since the use of the property would remain unchanged; a single-family dwelling.

GOAL NO. 7 - Natural Disaster and Hazards Area

6491

☐ Complies ☐ Does Not Comply

☐ Complies with conditions

☒ Not applicable

Relevant Policies:

State Goal Issues:

There are no inventoried natural hazards affecting this area.

GOAL NO. 8 - Recreation Needs

☐ Complies ☐ Does Not Comply

☐ Complies with conditions

☒ Not applicable

Relevant Policies:

State Goal Issues:

Allowing for a single-wide mobile home would not affect the need for or availability of recreational facilities.

GOAL NO. 9 - County Economy

6492

- ☐ Complies ☐ Does not Comply
☐ Complies with conditions
☒ Not applicable

Relevant Policies:

State Goal Issues:

The variance would not affect the economy of the Klamath Falls area.

GOAL NO. 10 - Housing

- ☒ Complies ☐ Does not Comply
☐ Complies with conditions
☐ Not applicable

Relevant Policies:

State Goal Issues:

Granting of the variance would allow the applicant to replace a small run-down house with a mobile home at moderate cost.

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GOAL NO. 11 - Public Facilities and Services

[6493

- ☒ Complies ☐ Does not Comply
☐ Complies with conditions
☐ Not applicable

Relevant Policies:

12. "Development proposals shall not be approved unless the types and levels of public facilities and services required are available or planned in the area."

State Goal Issues:

The property has water, sewer, gas, electric and telephone service. It is within County Fire District No. 1. The variance would not bring a need for additional services.

GOAL NO. 12 - Transportation

- ☒ Complies ☐ Does not Comply
☐ Complies with conditions
☐ Not applicable

Relevant Policies:

State Goal Issues:

The property fronts on a paved county street (Austin) and has enough room to provide the two off-street parking spaces required by the county.

6494

GOAL NO. 13 - Energy Conservation

- ☒ Complies ☐ Does Not Comply
☐ Complies with conditions
☐ Not applicable

Relevant Policies:

State Goal Issues:

The proposed mobile home is newer and better insulated than the old house it replaces. Energy savings in domestic heating and cooling would result.

GOAL NO. 14 - Urbanization

- ☒ Complies ☐ Does not Comply
☐ Complies with conditions
☐ Not applicable

Relevant Policies:

State Goal Issues:

The property is in a developed, residential area within the Klamath Falls Urban Growth Boundary. All urban utilities and services are available.

STATE OF OREGON; COUNTY OF KLAMATH; ss.

Filed for record .

this 28 day of April A.D. 1983 at 1:40 o'clock P. M.
duly recorded in Vol. M83, of Deeds on a 6484.

no fee

By EVELYN BEHN, County Clerk
[Signature]