

BEFORE THE HEARINGS OFFICER  
FOR KLAMATH COUNTY, OREGON

1  
2  
3 In the Matter of a ) NO. 6-83  
4 CONDITIONAL USE PERMIT )  
5 for ) FINDINGS OF FACT, DECISION  
6 RONALD and CARRIE GAIL CLARK ) AND ORDER  
7 )

8 THIS MATTER came on for a hearing before the Klamath  
9 County Assistant Hearings Officer, JAMES R. UERLINGS, on April 21,  
10 1983, at 1:30 p.m. in the Commissioners' Hearing Room at the  
11 Klamath County Courthouse. The Hearing was held pursuant to  
12 notice given in conformity with the Klamath County Development  
13 Code and related ordinances. The applicant was present at the  
14 Hearing and presented evidence and testimony. The Klamath County  
15 Planning Department was represented by Jonathan Chudnoff.

16 The following exhibits were offered, received into  
17 evidence and made a part of the record: Exhibits "A" through "F".

18 The Hearing was then closed. The Assistant Hearings  
19 Officer, after reviewing the evidence presented, makes the follow-  
20 ing decision:

21 FINDINGS OF FACT:

22 1. The applicants are the owners of the subject prop-  
23 erty described as Section 19, Township 38, Range 9, CHELSEA  
24 ADDITION, Lots 4 and 5, Block 23, Tax Account Number 3809-1914-  
25 6200. The parcel is located on Quarry Street in Pelican City  
26 area.

FINDINGS OF FACT, DECISION AND ORDER  
Page 1.

1 The lot size is 100' x 140'.

2 2. The applicant desires the conditional use permit  
3 in order to place a mobile home with composition roof and  
4 house-type siding permanently on the subject property. The  
5 current existing house would be demolished by the applicant.  
6 The plan designation is urban residential, the zone designation  
7 is RM. The adjacent and/or surrounding zoning is RM and IL.  
8 The land use includes a mixture of houses and mobile homes and  
9 commercial/industrial uses. The site lies within the Pelican  
10 City health hazard area and the Health Department has requested  
11 that a condition be placed on the conditional use permit that  
12 a certificate of adequacy be obtained from D.E.Q. before any  
13 current or contemplated installation of sanitation facilities.

14 KLAMATH COUNTY DEVELOPMENT CODE CRITERIA:

15 1. Klamath County Development Code Section 44.003  
16 sets forth the criteria for consideration in the application  
17 for a conditional use permit:

18 A. That the use is conditionally permitted in  
19 the zone in which it is proposed.

20 B. That the location, size, design and operating  
21 characteristics of the proposed uses is in conformance with the  
22 Klamath County Comprehensive Plan.

23 C. That the location, size, design and operating  
24 characteristics of the proposed development will be compatible  
25 with, and will not adversely effect, the livability or appropriate  
26 development of abutting properties in the surrounding neighborhood.

FINDINGS OF FACT, DECISION AND ORDER  
Page 2.

1 Consideration shall be given to the harmony in scale, bulk,  
2 coverage and density; to the availability of civic facilities  
3 and utilities; to harmful effects, if any, upon desirable neigh-  
4 borhood character; to the generation of traffic and the capacity  
5 of surrounding streets and to other relevant impact of the devel-  
6 opment.

7  
8 D. That the location, design and site planning  
9 of the proposed development will provide a convenient and  
10 functional living, working, shopping or civic environment and will  
11 be as attractive as the nature of the use and its location in the  
12 setting warrant.

13 2. Klamath County Code Section 44.001 sets forth  
14 the general purpose of Article 44, Conditional Use Permit, as  
15 follows: The purpose of the Conditional Use Permit is to  
16 provide a mechanism whereby uses which may be suitable only in  
17 certain locations or only if designed or operated in a particular  
18 manner may be allowed within the basic zone designations.

19 3. ORS 197.175 requires all zoning and related  
20 ordinances adopted by the County be in conformance with the  
21 State-wide Planning Goals.

22 KLAMATH COUNTY DEVELOPMENT CODE FINDINGS AND CONCLUSIONS:

23 1. The proposed use has a location, size, design and  
24 operating characteristics which are in conformance with the  
25 Klamath County Comprehensive Plan.

26 2. The location, size, design and operating character-  
istics of the proposed development will be compatible with, and

FINDINGS OF FACT, DECISION AND ORDER  
Page 3.

1 will not adversely effect, the livability or the appropriate  
2 development of abutting properties and the surrounding neigh-  
3 borhood.

4 3. The proposed use will be in harmony in scale,  
5 bulk, coverage and density with the existing uses. No harm-  
6 ful effects will be made upon the desirable neighborhood  
7 character. No additional generation of traffic beyond the  
8 capacity of the surrounding streets will be created.

9 4. The location, design and site planning of the  
10 proposed development will provide for a convenient and functional  
11 living, working, shopping, and civic environment and will be  
12 as attractive as the nature of the use and its location in this  
13 setting warrant.

14 5. See Findings of Fact 1-2.

15 STATE-WIDE PLANNING GOALS AND CRITERIA:

16 See Exhibit "AA" attached hereto and incorporated  
17 by this reference.

18 CONCLUSIONS OF LAW AND DECISION:

19 1. This request for a Conditional Use Permit on the  
20 subject property meets all the applicable Klamath County  
21 Development Code criteria and policies governing such.

22 2. The request for a Conditional Use Permit is  
23 consistent with, and complies with, all applicable State-wide  
24 Planning Goals and statutes.

25 3. It is found that it is necessary for the pro-  
26 tection of health, safety and welfare that the following

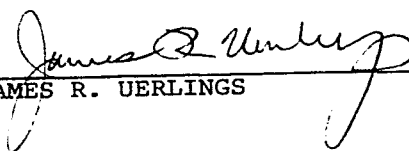
FINDINGS OF FACT, DECISION AND ORDER  
Page 4.

1 condition be placed upon the granting of this Conditional Use  
2 Permit:

3 A. That the applicant shall obtain a certificate  
4 of adequacy from the Department of Environmental Quality prior  
5 to the placement of the mobile home and any sanitation structures  
6 or use of existing sanitation structures on the property.

7 4. THEREFORE, it is hereby ordered that the request  
8 by the applicants for the Conditional Use Permit on the subject  
9 property described as Tax Lot 3809-1914-6200, known as Lots 4  
10 and 5, Block 23, CHELSEA ADDITION, 3421 Quarry Street, Pelican  
11 City, is hereby granted provided that the applicant follow  
12 the condition above and his plot plan as filed.

13 DATED this 26 day of April, 1983.

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16   
17 JAMES R. UERLINGS  
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## COMPREHENSIVE PLAN POLICIES AND STATE

## LAND USE GOALS 1 - 14

## 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:

## State Goal Issues:

The area is planned and zoned for medium density residential use and is developed with a mixture of houses and mobile homes. The request is consistent with the plan and zone designations and with the existing uses in the area.

Article 46  
Major/Minor Partition  
Section 46.003 Review Criteria

|     | Complies                 | Does not<br>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"/> |
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| K - | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| L - | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

GOAL NO. 3 - Agricultural Lands

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

Relevant Policies:

State Goal Issues:

The property is within the Klamath Falls Urban Growth Boundary in an area developed for residential and commercial uses.

GOAL NO. 4 - Forest Lands

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

Relevant Policies:

State Goal Issues:

The area is subdivided into 50' x 100' lots and is developed for residential and commercial uses.

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

6526

☐ 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 this proposal for a mobile home.

GOAL NO. 6 - Air Water and Land Resource Quality

☐ Complies ☐ Does not Comply

☒ Complies with Conditions

☐ Not applicable

Relevant Policies:

4. "Urban and rural residential uses shall be designated only when approved sewage disposal alternatives have been identified."

State Goal Issues:

The property is in the Pelican City health hazard area, scheduled for annexation to Klamath Falls due to failing septic systems. Applicant must obtain DEQ approval to upgrade or replace the septic system on the property in order to provide for on-site sewage disposal. Annexation will take place in the summer of 1983, with city sewer service to be provided within a year.



Page 4  
GOAL NO. 7 - Natural Disaster and Hazards Area

6527

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

Relevant Policies:

State Goal Issues:

There are no inventoried natural hazards affecting the area.

GOAL NO. 8 - Recreation Needs

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

Relevant Policies:

State Goal Issues:

Playground and playing fields are available at Pelican School, about  $\frac{1}{2}$  mile away. Moore Park, with picnic, boating and sports facilities is about  $1\frac{1}{2}$  miles to the southwest.

GOAL NO. 9 - County Economy

6528

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

Relevant Policies:

State Goal Issues:

The mobile home is currently in Chemult and moving it to Klamath Falls would not affect the county economy.

GOAL NO. 10 - Housing

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

Relevant Policies:

1. "Residential property shall be zoned to allow the full range of housing types and densities of the Comprehensive Plan."
10. "The County shall encourage the siting...of individual mobile homes within the County."

State Goal Issues:

The proposal would allow a dilapidated house to be replaced with a larger mobile home.

Page 11  
GOAL NO. 11 - Public Facilities and Services (3)

6529

☒ 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:

Electrical, telephone, water and gas services are available. The property is in County Fire District 1, whose Wocus station is 1½ miles to the north. City sewer service will be provided after annexation (see Goal 6).

GOAL NO. 12 - Transportation

☒ Complies ☐ Does not Comply

☐ Complies with conditions

☐ Not applicable

Relevant Policies:

State Goal Issues:

The property fronts on a paved street and is two blocks from Highway 97, the main arterial through the Klamath Falls area.

☐ Complies    ☐ Does Not Comply

☐ Complies with conditions

☒ Not applicable

Relevant Policies:

**State Goal Issues:**

## GOAL NO. 14 - Urbanization

☒ Complies    ☐ Does not Comply

☐ Complies with conditions

☐ Not applicable

Relevant Policies:

**State Goal Issues:**

The property is in the urbanized area of the Klamath Falls Urban Growth Boundary. It will be annexed to the city during the summer of 1983.

STATE OF OREGON; COUNTY OF KLAMATH; ss.

**Filed for record .**

this 28 day of April A.D. 1982 at 1:41 o'clock P.M., and

duly recorded in Vol. M83, of 2 Deeds on page 6519.

no fee

By Evelyn Biehn, County Clerk  
Exhibit "A" Page 7.