

BEFORE THE HEARINGS OFFICER
FOR KLAMATH COUNTY, OREGON

In the Matter of a)
CONDITIONAL USE PERMIT) Number 7-83
for)
CHARLENE JACKSON)
_____)
_____)
_____)

FINDINGS OF FACT, DECISION
AND ORDER

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

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

The Assistant Hearings Officer, after reviewing the evidence presented, makes the following decision:

FINDINGS OF FACT:

1. The applicant is the owner of the subject property described as Tax Lot 3809-3540-8000 located in Fair Acres No. 1 Subdivision, Lot 55, at 1026 Homedale, Klamath Falls, Oregon.

2. The applicant desires this variance so that she may place a mobile home on the back portion of the lot to allow for additional family living space.

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2 2. The plan designation of this property is urban
3 residential, the zone designation is RS, and the adjacent and/or
4 surrounding zoning is RS, with a mixture of houses and mobile
5 homes. The lot is 139' x 308' containing .98 acre. The shape
6 is rectangular and vegetation consists of trees, lawn and
7 pasture area.

8 3. There is currently a chicken coop/barn on the
9 property which is no longer being used and the applicant intends
10 to tear it down. This would be in the general area where the
11 mobile home is going to be placed.

12 4. No parties appeared to testify in opposition
13 to this variance.

14 5. Once the mobile home is placed on the property,
15 it must be connected to public water and sewer systems.

16 KLAMATH COUNTY DEVELOPMENT CODE CRITERIA:

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

20 A. That the use is conditionally permitted in
21 the zone in which it is proposed.

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

25 C. That the location, size, design and operating
26 characteristics of the proposed development will be compatible
with, and will not adversely effect, the livability or appropriate
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1 development of abutting properties in the surrounding neighbor-
2 hood. Consideration shall be given to the harmony in scale,
3 bulk, coverage and density; to the availability of civic facilities
4 and utilities; to harmful effects, if any, upon desirable
5 neighborhood character; to the generation of traffic and the
6 capacity of surrounding streets and to other relevant impact
7 of the development.

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
11 and will be as attractive as the nature of the use and its loca-
12 tion in this setting warrant.

13 2. Klamath County Code Section 44.001 sets forth
14 the general purpose of Article 44, Conditional Use Permit,
15 as follows: The purpose of the Conditional Use Permit is to
16 provide a mechanism whereby uses which may be suitable only
17 in certain locations or only if designed or operated in a
18 particular 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 conformity 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-
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1 istics of the proposed development will be compatible with,
2 and will not adversely effect, the livability or the appropriate
3 development of abutting properties and the surrounding neigh-
4 borhood.

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

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

15 5. See Findings of Fact 1-5 as set forth above.

16 STATE-WIDE PLANNING GOALS AND CRITERIA:

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

19 CONCLUSIONS OF LAW AND DECISION:

20 1. This request for a conditional use permit on the
21 subject property meets all the applicable Klamath County
22 Development Code criteria and policies governing such.

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

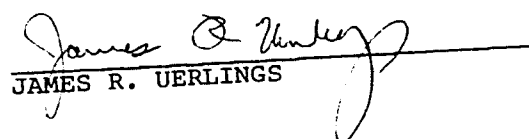
26 3. The following conditions are deemed necessary in

1 order to protect the health, safety and welfare of the residents
2 of Klamath County:

3 A. That the mobile home, once installed on the
4 property, must be hooked up to public water and sewer systems.

5 THEREFORE, it is hereby ordered that the request
6 by the applicant for the Conditional Use Permit on the subject
7 property described herein is hereby granted provided that the
8 applicant follow the plat plan she has submitted and the above
9 stated condition.

10 DATED this 26 day of April, 1983.

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14 JAMES R. UERLINGS
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COMPREHENSIVE PLAN POLICIES AND STATE
LAND USE GOALS 1 - 14

6536

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 suburban residential use and is developed with houses and mobile homes. The additional mobile home would not increase the density beyond the 10,000 square feet per dwelling allowed by the RS zone.

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"/>

GOAL NO. 3 - Agricultural 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. 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

6538

☐ 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 proposal for a second residence.

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 use shall be designated only when approved sewage disposal alternatives have been identified."

State Goal Issues:

There would be no adverse affects on air, water or land resource quality as long as the new mobile home is properly connected to the suburban sewer system.

GOAL NO. 7 - Natural Disaster and Hazards Area

6539

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

Relevant Policies:

State Goal Issues:

The area is not known to be subject to natural hazards.

GOAL NO. 8 - Recreation Needs

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

Relevant Policies:

State Goal Issues:

A playground and playing fields are available at Shasta School.

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GOAL NO. 9 - County Economy

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

Relevant Policies:

State Goal Issues:

The requested mobile home placement would not affect the Klamath County economy.

GOAL NO. 10 - Housing

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

Relevant Policies:

10. "The County shall encourage the siting...of individual mobile homes within the County."

State Goal Issues:

The proposal would provide a low cost home for a woman and child.
The area has a mixture of houses and mobile homes, including several cases of lots with more than one dwelling.

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GOAL NO. 11 - Public Facilities and Services

6541

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

Relevant Policies:

Electrical, telephone, water and sewer service are available. The property is in County Fire District No. 1.

State Goal Issues:

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 road and has sufficient room for the required off-street parking.

GOAL NO. 13 - Energy Conservation

☐ Complies ☐ Does Not Comply

☐ Complies with conditions

☒ Not applicable

Relevant Policies:

6542

State Goal Issues:

GOAL NO. 14 - Urbanization

☒ Complies ☐ Does not Comply

☐ Complies with conditions

☐ Not applicable

Relevant Policies:

State Goal Issues:

The property is within the Klamath Falls urbanized area. All needed utilities are available.

STATE OF OREGON; COUNTY OF KLAMATH; ss.

Filed for record .

this 28 day of April A.D. 19 83 at 1:46 o'clock P.M., and
duly recorded in Vol. M83, of Deeds on Page 6531.

no fee

COMMISSIONERS JOURNAL

By EVELYN BIEHN, County Clerk