

01

BEFORE THE HEARINGS OFFICER
FOR KLAMATH COUNTY, OREGON

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2
3 In the Matter of) NO. 9-83
4 REQUEST FOR VARIANCE) FINDINGS OF FACT, DECISION
5 for) AND ORDER
6 WEYERHAEUSER COMPANY)

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8 THIS MATTER came on for a hearing before the Klamath
9 County Assistant Hearings Officer, JAMES R. UERLINGS, on
10 May 19, 1983, at 1:30 p.m. in the Veteran's Memorial Building
11 Conference Room. The applicant was represented by John Monfore,
12 an employee of the applicant. Klamath County Planning Department
13 was represented by Jonathan Chudnoff. No persons appeared in
14 opposition to this request for variance.

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

17 The Hearing was then closed.

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

20 FINDINGS OF FACT:

21 1. The applicant, WEYERHAUSER COMPANY, is the owner
22 of the subject property located in a portion of Tax Lot 200 in
23 the SE¼, NW¼ of Section 34, Township 36, Range 14, Klamath County,
24 Oregon. The property is generally within the Weyerhaeuser mill
25 site in Bly, Oregon.

26 2. The applicant desires the variance in order to reduce

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SUITE 209
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1 the side yard setback from 25' to 4'. The change in the setback
2 is required as the applicant is partitioning the property in
3 order to donate a portion of the property to the Bly Rural
4 Fire Department for its use for fire equipment.

5 3. Without the variance, the building would need to be
6 demolished, said building being usable by the Fire Department
7 for storage of equipment.

8 KLAMATH COUNTY DEVELOPMENT CODE CRITERIA:

9 See Exhibit "AA" attached hereto and incorporated by
10 this reference.

11 KLAMATH COUNTY DEVELOPMENT CODE FINDINGS:

12 1. See Findings of Fact 1-3 above.

13 2. A literal enforcement of this Code would result
14 in a practical difficulty or an unnecessary hardship to the
15 applicant. This difficulty arises from personal circumstances
16 which would result in a greater private expense than public
17 benefit of strict enforcement. In fact, the public would
18 greatly benefit from this variance in that it would allow
19 for the establishment of buildings for the Bly Rural Fire Depart-
20 ment and therefore aid in the fire protection in the area.
21 Without the variance, the building, which is usable by the
22 Fire Department, would need to be destroyed with a considerable
23 expense in building such a similar facility.

24 3. The condition causing the difficulty was not created
25 by the applicant.

26 4. The granting of this variance will not be materially

1 detrimental to the public health, safety and welfare or to the
2 use and enjoyment of adjacent properties and will not be
3 contrary to the intent of this Code. The effect, in all like-
4 lihood, of this project will be to enhance the safety of the
5 public from fire and other similar hazards in the area.

6 STATE-WIDE PLANNING GOALS AND CRITERIA:

7 See Exhibit "BB" attached hereto and incorporated
8 by this reference.

9 CONCLUSIONS OF LAW AND DECISION:

10 A. This request for variance satisfies all applicable
11 Klamath County Development Code criteria and policies governing
12 such.

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


15 C. This request for variance is consistent with
16 and complies with the applicable State-wide Planning Goals and
17 all requirements of State law.

18 There is substantial evidence in the record to support
19 this request for variance and no evidence was submitted in
20 opposition thereto.

21 THEREFORE, it is hereby ordered that this variance be
22 granted.

23 DATED this 23 day of May, 1983.

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JAMES R. UERLINGS

KLAMATH COUNTY DEVELOPMENT CODE CRITERIA:

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.

COMPREHENSIVE PLAN POLICIES AND STATE
LAND USE GOALS 1 - 14

8190

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 May 19, 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

Article 46
Major/Minor Partition
Section 46.003 Review Criteria

	Complies	Does not Comply	N.A.
Relevant Policies:			
State Goal Issues:			
Use of the property would remain unchanged. Granting of the variance would not conflict with the intent of the CH or RCR zones. A determination must be made at the hearing whether the conditions stated by the applicant meet the criteria of Article 43 of the Land Development Code.			
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"/>
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I -	<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

8191

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

Relevant Policies:

State Goal Issues:

The property is within the community of Bly, in an area developed for commercial, industrial and residential uses.

GOAL NO. 4 - Forest Lands

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

Relevant Policies:

State Goal Issues:

The property is in the community of Bly, in an area developed for commercial, industrial and residential use.

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

8192

☐ Complies ☐ Does not Comply

☐ Complies with conditions

☒ Not applicable

Relevant Policies:

State Goal Issues:

There are no inventoried goal 5 resources that would be affected by the proposed variance.

GOAL NO. 6 - Air Water and Land Resource Quality

☐ Complies ☐ Does not Comply

☐ Complies with Conditions

☒ Not applicable

Relevant Policies:

State Goal Issues:

The variance would not alter the use of the land. No new pollution sources would be created.

GOAL NO. 7 - Natural Disaster and Hazards Area

8193

☐ Complies ☐ Does Not Comply

☐ Complies with conditions

☒ Not applicable

Relevant Policies:

State Goal Issues:

There are no natural hazards which would be affected by the proposed 4' setback.

GOAL NO. 8 - Recreation Needs

☐ Complies ☐ Does Not Comply

☐ Complies with conditions

☒ Not applicable

Relevant Policies:

State Goal Issues:

The reduced setback would not affect the need for or availability of recreational facilities.

GOAL NO. 9 - County Economy

8194

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

Relevant Policies:

State Goal Issues:

The reduced setback would not affect the Bly or Klamath County economy.

GOAL NO. 10 - Housing

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

Relevant Policies:

State Goal Issues:

With no change in the use of the property, the variance would not affect housing in the area.

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GOAL NO. 11 - Public Facilities and Services (

8195

☒ Complies ☐ Does not Comply

☐ Complies with conditions

☐ Not applicable

Relevant Policies:

State Goal Issues:

Property is served by community water and sewer systems and has electrical and telephone service. Property is used by the Bly Fire District. The variance would not require additional utilities or services.

GOAL NO. 12 - Transportation

☒ Complies ☐ Does not Comply

☐ Complies with conditions

☐ Not applicable

Relevant Policies:

State Goal Issues:

Property fronts on Oregon Highway 140. The variance would not require a change in present use or access.

GOAL NO. 13 - Energy Conservation

8196

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

Relevant Policies:

State Goal Issues:

The reduced setback would not alter the use of the property or affect energy conservation.

GOAL NO. 14 - Urbanization

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

Relevant Policies:

State Goal Issues:

Property is within a developed community offering urban facilities and services.

STATE OF OREGON; COUNTY OF KLAMATH; ss.

Filed for record .

this 25th day of May A.D. 19 83 at 4:26 o'clock P.M. and
duly recorded in Vol. M83, of Deeds on Pa. c. 8186

By EVELYN BIEHN, County Clerk

No Fee

EXHIBIT "BB", Page 7.

Commissioners Journal