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Vol. 783 Pg. 3335

BEFORE THE HEARINGS OFFICER
FOR KLAMATH COUNTY, OREGON

In the Matter of a)
REQUEST FOR CONDITIONAL) CASE NO. 16-83
USE PERMIT)
for) FINDINGS OF FACT, DECISION
PEARL and CHARLES HARTLEY.....) AND ORDER

THIS MATTER came on for a hearing before the Klamath County Assistant Hearings Officer, JAMES R. UERLINGS, on August 4, 1983, at 1:30 p.m. in the Klamath County Commissioners' Hearing Room. The hearing was held pursuant to notice given in conformity with the Klamath County Development Code and related ordinances. The applicant, PEARL HARTLEY, appeared in person as did the applicant's agent and son, BRIAN COLE. The following exhibits were offered, received into evidence, and made a part of the record: Exhibits "A" through "E".

FINDINGS OF FACT:

1. The applicants are the owners of the subject property and intend to obtain a conditional use permit in order to place a single wide mobile home upon the subject property which is known as Tax Lot 3100, SE $\frac{1}{4}$, NW $\frac{1}{4}$ of Section 2, Township 39, Range 9, Klamath County, Oregon.
2. The property is currently zoned Suburban Residential, with an Urban Residential plan designation. Adjacent

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1 zoning is Suburban Residential, and Medium Density Residential,
2 with some commercial highway in the area.

3 3. The dimensions are 80' x 235' consisting of
4 .6 acre, rectangular in shape. Access to the property is
5 provided via private driveway to South Sixth Street.

6 4. Utilities are provided by Pacific Power and Light,
7 Pacific Northwest Bell, CP National Gas and McCaw Cablevision.

8 5. The applicants desire this request in order to
9 allow the son of the owners, who are elderly and retired, to
10 move a single wide mobile home onto the property. The site
11 upon the property where the single wide mobile home is to be
12 placed contained a single wide mobile home in the past and all
13 utility hookups are still present. The applicants' son is
14 single and currently owns a single wide mobile home and has no
15 need for the double wide size mobile home. An old shed and
16 several old vehicles and equipment and other junk upon the prop-
17 erty will be removed. A tall fence is located on the East and
18 South of the property and will thereby screen the area from
19 adjacent property.

20 KLAMATH COUNTY DEVELOPMENT CODE CRITERIA:

21 1) Klamath County Development Code Section 44.003 sets
22 forth the criteria for consideration in the application for
23 a conditional use permit:

24 A. That the use is conditionally permitted in the
25 zone in which it is proposed.

26 B. That the location, size, design and operating

1 characteristics of the proposed development will be compatible
2 with, and will not adversely effect, the livability or appro-
3 priate development of abutting properties in the surrounding
4 neighborhood. Consideration shall be given to the harmony in
5 scale, bulk, coverage, and density; to the availability of
6 civic facilities and utilities; to harmful effects, if any,
7 upon desirable neighborhood character; to the generation of
8 traffic and the capacity of surrounding streets and to other
9 relevant impact of the development.

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

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

22 3) ORS 197.175 requires all zoning and related ordi-
23 nances adopted by the County be in conformance with the State-
24 wide Planning Goals.

25 KLAMATH COUNTY DEVELOPMENT CODE FINDINGS AND CONCLUSIONS:

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

2) The location, size, design and operating characteristics of the proposed development will be compatible with, and will not adversely effect, the livability or the appropriate development of abutting properties and the surrounding neighborhood.

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

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

5) See Findings of Fact 1-5 above.

STATE-WIDE PLANNING GOALS AND CRITERIA:

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

CONCLUSIONS OF LAW AND DECISION:

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

2) The following conditions are deemed necessary

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

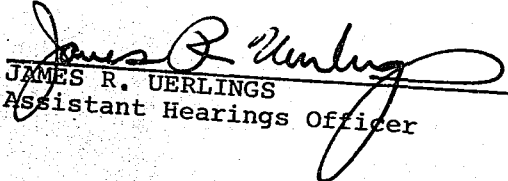
3 A. That the applicant follow the plot plan;

4 B. That the shed, old vehicles, equipment and
5 other junk be removed from the site prior to placing the mobile
6 home there.

7 3) This request for a Conditional Use Permit is con-
8 sistent with, and complies with, all the applicable State-
9 wide Planning Goals and review criteria.

10 THEREFORE, it is hereby ordered that the request
11 by the applicants for the Conditional Use Permit on the subject
12 property described herein is hereby granted, subject to the
13 conditions as set forth above.

14 DATED this 9 day of August, 1983.

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19 JAMES R. UERLINGS
20 Assistant Hearings Officer
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**COMPREHENSIVE PLAN POLICIES AND STATE
LAND USE GOALS 1 - 14**

13340

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 August 4, 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**

Relevant Policies:

State Goal Issues:

The area is planned and zoned for suburban residential use which includes mobile homes. The Conditional Use Permit hearing will be used to determine compatibility of the proposed use with existing uses in the vicinity.

	<u>Complies</u>	<u>Does not Comply</u>	<u>N.A.</u>
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

13341

Relevant Policies:

State Goal Issues:

The property is within the Klamath Falls urbanized area and is served by all urban utilities and services.

GOAL NO. 4 - Forest Lands

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

Relevant Policies:

State Goal Issues:

The property is within the Klamath Falls urbanized area and is served by all needed urban utilities and services.

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

☐ Complies ☐ Does not Comply

☐ Complies with conditions

☒ Not applicable

13342

Relevant Policies:

State Goal Issues:

There are no inventoried scenic, historic or natural resources on or adjacent to this property. The mobile home would be screened from view by fences and trees.

GOAL NO. 6 - Air Water and Land Resource Quality

☒ Complies ☐ Does not Comply

☐ Complies with Conditions

☐ Not applicable

Relevant Policies:

2. "All solid waste discharge will be disposed of in accordance with the County Solid Waste Management Plan."

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

State Goal Issues:

The property is within the Klamath Disposal Company's waste collection franchise area, served by the County landfill on Old Fort Road.

The property is served by the South Suburban Sanitary District.

GOAL NO. 7 - Natural Disaster and Hazards Area

13343

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

Relevant Policies:

State Goal Issues:

There are no known natural hazards affecting the area.

GOAL NO. 8 - Recreation Needs

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

Relevant Policies:

State Goal Issues:

Recreational facilities are available at urban area schools and parks. Bringing a mobile home to this property from another location in the urban area would not add to the need for recreational facilities.

GOAL NO. 9 - County Economy

13344

☐ Complies ☐ Does not Comply

☐ Complies with conditions

☒ Not applicable

Relevant Policies:

State Goal Issues:

Relocating a mobile home to this property from elsewhere in the urban area would not affect the Klamath County economy or employment.

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 property is zoned RS, a zone which allows mobile homes and which has a minimum lot size of 10,000 square feet. Placement of a mobile home on this property would not exceed the density permitted.

GOAL NO. 11 - Public Facilities and Service

13345

- ☒ 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 gas, electric, telephone, water, sewer and cable television services.

It is in County Fire District No. 1

GOAL NO. 12 - Transportation

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

Relevant Policies:

State Goal Issues:

The property has a private driveway connecting it to South 6th Street.
The Oregon Highway Division sees no problem with the requested CUP.

GOAL NO. 13 - Energy Conservation

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

13346

Relevant Policies:

State Goal Issues:

Mobile home placement at this location would conserve energy by utilizing vacant space in the urbanized area where all utilities are available and which is close to employment and shopping areas.

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.

STATE OF OREGON; COUNTY OF KLAMATH; ss.

Filed for record

this 11th day of August A. D. 1983 at 1:24 o'clock P. M., and
duly recorded in Vol. M83 of Deeds on Page 13335

Commissioners Journal

No Fee

By Evelyn Biehn County Clerk

EXHIBIT "AA", Page 7.