

BEFORE THE HEARINGS OFFICER  
FOR KLAMATH COUNTY, OREGON

In the Matter of a ) NO. 30-83  
CONDITIONAL USE PERMIT ) FINDINGS OF FACT, DECISION  
for ) AND ORDER  
LOUISE PETERS )  
\_\_\_\_\_ )

THIS MATTER came on for a hearing before the Klamath County Assistant Hearings Officer, JAMES R. UERLINGS, on November 17, 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 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 findings of fact and decision.

FINDINGS OF FACT:

1) The subject property is located in Section 3, Township 39, Range 9, FIRST ADDITION TO ALTAMONT ACRES, and is located at 3126 Delaware Avenue, Tax Account Number 3909-334-4500, Klamath County, Oregon.

2) The applicant desires this Conditional Use Permit in order to place a mobile home upon the property as the residence for her mother.

1  
2 3) The applicant will be placing a single-wide  
3 1977 model mobile home which is in good condition upon the  
4 property.

5 4) The plan designation is Urban Residential,  
6 the zone designation is RS and the adjacent and surrounding  
7 zoning is RS.

8 5) The property is 105' x 195' and consists of  
9 20,475 square feet. The property is level and rectangular  
10 in shape, with general drainage being surface run-off and a  
11 ditch along the street. Access to the property is off  
12 Delaware Avenue, a paved County street.

13 6) The property is served with water by the City  
14 of Klamath Falls and sewer by South Suburban Sanitary District.  
15 Utilities serving the property are Pacific Power and Light,  
16 Pacific Northwest Bell, Klamath Irrigation District and McCaw  
17 Cablevision. Fire service is provided by Klamath County Fire  
18 District No. 1.

19 7) The block of Delaware Avenue between Avalon and  
20 Altamont where this property is located is mostly developed  
21 with houses and a few mobile homes. There are two (2) churches  
22 on the block, an A&W Restaurant and two (2) vacant commercial  
23 lots. The property is large enough to accomodate the mobile  
24 home while meeting the required setbacks.

25 KLAMATH COUNTY DEVELOPMENT CODE CRITERIA:

26 1) Klamath County Development Code Section 44.003  
sets forth the criteria for consideration in the application

FINDINGS OF FACT, DECISION AND ORDER  
Page 2.

1 for a conditional use permit:

2 A. That the use is conditionally permitted in  
3 the zone in which it is proposed.

4 B. That the location, size, design and operating  
5 characteristics of the proposed development will be compatible  
6 with, and will not adversely effect, the livability or appro-  
7 priate development of abutting properties in the surrounding  
8 neighborhood. Consideration shall be given to the harmony in  
9 scale, bulk, coverage and density; to harmful effects, if any,  
10 upon desirable neighborhood character; to the generation of  
11 traffic and the capacity of surrounding streets and to other  
12 relevant impact of the development.

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

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

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

1 KLAMATH COUNTY DEVELOPMENT CODE FINDINGS AND CONCLUSIONS:

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

5 2) The location, size, design and operating character-  
6 istics of the proposed development will be compatible with,  
7 and will not adversely effect, the livability or the appropriate  
8 development of abutting properties and the surrounding neighbor-  
9 hood.

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

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

20 5) See Findings of Fact 1-7 above.

21 STATE-WIDE PLANNING GOALS AND CRITERIA:

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

24 CONCLUSIONS OF LAW AND DECISION:

25 1) This request for a conditional use permit on the  
26 subject property meets all the applicable Klamath County  
FINDINGS OF FACT, DECISION AND ORDER  
Page 4.

1 Development Code criteria and policies governing such.  
2

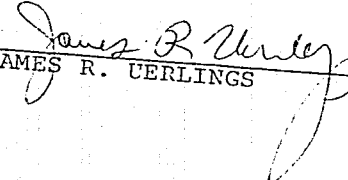
3 2) The following condition is deemed necessary to  
4 protect the health, safety and welfare of the citizens of  
5 Klamath County:

6 A) That the applicant follow the plot plan as  
7 submitted.

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

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

15 DATED this 22 day of November, 1983.

16  
17  
18   
19 JAMES R. UERLINGS  
20  
21  
22  
23  
24  
25  
26

COMPREHENSIVE PLAN POLICIES AND STATE  
LAND USE GOALS 1 - 14

20229

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 November 17, 1983. Notice has been sent to neighboring property owners and 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 zoned RS and developed with a mixture of dwellings and civic and commercial uses. The zone allows a minimum lot size of 10,000 square feet. Applicant's lot is over 20,000 square feet, so adding the mobile home would be within the residential density allowed by the zone.

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"/> |
| 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 within the Klamath Falls urbanized area and is developed for residential use. Paved streets and all needed urban utilities serve the property.

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 developed for residential use.

20229A

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

20230

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

Relevant Policies:

State Goal Issues:

There are no inventoried Goal 5 resources on or around the property.

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."

State Goal Issues:

The property is within the solid waste collection franchise area of the Klamath Disposal Company, 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

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

20231

Relevant Policies:

State Goal Issues:

No natural hazards are known to affect 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 in urban area parks and school grounds.

GOAL NO. 9 - County Economy

20232

☐ Complies ☐ Does not Comply

☐ Complies with conditions

☒ Not applicable

Relevant Policies:

State Goal Issues:

No new employment or long-term economic effects would result from this permit.

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."

State Goal Issues:

The C.U.P. would allow for a moderate cost home for a relative of the owner.

GOAL NO. 11 - Public Facilities and Services

20233

☒ 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, electrical, telephone, gas and cable television services.

It is within 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 is served by a paved county street, adequate for the traffic generated by an added dwelling.

GOAL NO. 13 - Energy Conservation

20234

☒ Complies ☐ Does Not Comply

☐ Complies with conditions

☐ Not applicable

Relevant Policies:

State Goal Issues:

Establishing a mobile home at this location would save energy by using a site where all utilities are available.

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 urban utilities and services are available (see Goals 11 and 12).

Ret: Commissioners Journal

Exhibit "AA", Page 7.

STATE OF OREGON: COUNTY OF KLAMATH: ss.  
I hereby certify that the within instrument was received and filed for  
record on the 23rd day of November A.D., 19 83 at 2:40 o'clock P.M.,  
and duly recorded in Vol M83, of Deeds on page 20224.

Fee \$ None

EVELYN BIEHN, COUNTY CLERK

by Sam Smith deputy