

BEFORE THE HEARINGS OFFICER  
FOR KLAMATH COUNTY, OREGON

|                           |   |                               |
|---------------------------|---|-------------------------------|
| In the Matter of a        | ) | C.U.P. 14-84                  |
| REQUEST FOR A CONDITIONAL | ) |                               |
| USE PERMIT                | ) | FINDINGS OF FACT, CONCLUSIONS |
|                           | ) | OF LAW AND ORDER              |
| for                       | ) |                               |
|                           | ) |                               |
| SANDRA K. WESTLAKE        | ) |                               |
|                           | ) |                               |

THIS MATTER came on for a hearing before the Klamath County Assistant Hearings' Officer, JAMES R. UERLINGS, on April 5, 1984, 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 was present at the hearing and the Planning Department was represented by Jonathan Chudnoff. Also present at the hearing was the property owner, Robert M. Kasper, who had consented to the application.

The following exhibits were marked, entered into evidence and made a part of the record: Exhibits "A" through "E".

The Assistant Hearings Officer, after reviewing the evidence presented, makes the following findings of fact, conclusions of law and decision.

FINDINGS OF FACT:

1) The subject property is owned by Robert M. Kasper and Henrietta Kasper. The applicant is SANDRA K. WESTLAKE, the daughter of the property owners. The property is located at

FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION  
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'84 APR 12 AM 9 30

1 3171 Bristol Avenue, Klamath Falls, Oregon, located in  
2 Section 10, Township 39, Range 9, described as a portion of  
3 Lot 9, Block 5, Altamont Acres Third Addition, Tax Account  
4 Number 3909-1031-2700. The property is 89.7' x 200.25'.

5 2) The plan designation of the property is urban  
6 residential and the zone designation is suburban residential.  
7 Adjacent and/or surrounding zoning is suburban residential.

8 3) The property consists of 17,962 square feet,  
9 is rectangular in shape and the topography is level. General  
10 drainage is surface run-off to street-side drains.

11 4) Access to the property is provided off Bristol  
12 Avenue, a paved County street.

13 5) School facilities are provided by Klamath County  
14 School District, recreation provided by urban area parks and  
15 schools, sewer by South Suburban Sanitary District and water  
16 by the City of Klamath Falls. The property is also served by  
17 Pacific Power and Light, Pacific Northwest Bell, CP National  
18 Gas, Klamath Irrigation District and McCaw Cablevision. Fire  
19 protection service is provided by County District No. 1.

20 6) The applicant desires this conditional use permit in  
21 order to allow for the placement of a mobile home for the applicant,  
22 who is the daughter of the deed holders to the property, ad-  
23 jacent to their existing house. The daughter currently rents space  
24 in a mobile home park which adjoins the Kaspers' subject property  
25 on the West. Because of the location of the mobile home park and  
26 close proximity to the subject property, there are

1 numerous mobile homes within the general area of the property.  
2 The applicant has obtained a driveway permit from the County  
3 Public Works Department and a driveway has been installed.

4 7) The opponent of the conditional use permit testi-  
5 fied that the current deed holder of the property, Robert M.  
6 Kasper, provides foster home care for up to five (5) full-time  
7 foster children and occasionally can provide emergency care  
8 for a number in excess of five (5). The applicant has two (2)  
9 daughters, ages 12 and 13, which currently reside with her in  
10 the mobile home park and would continue to reside with her in  
11 the mobile home to be placed on the subject property. The  
12 opponent complained of poor supervision of the foster children  
13 and specifically about their congregation upon the opponent's  
14 property which is adjacent to the subject property on the North  
15 during all hours of the day.

16 The opponent also indicated that she has suffered  
17 vandalism and theft in her home during the time that  
18 foster children have resided on the subject property. The  
19 opponent indicated that, on some occasions, she believes  
20 that the applicant's daughters have been involved with the  
21 activities of the foster children. The opponent has requested  
22 that closer supervision be maintained of the foster children,  
23 especially now when additional children will be on the subject  
24 property and additionally has requested that an eight foot (8')  
25 fence be constructed upon the northern border of the subject

26 \* \* \* \* \*

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property to separate the opponent's property from the subject property. The applicant has agreed to construct such a fence but only to a height of five feet (5') and only if the opponent would share cost of the fence fifty-fifty (50-50).  
KLAMATH COUNTY DEVELOPMENT CODE CRITERIA:

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

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

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

C. That the location, size, design and operating characteristics of the proposed development will be compatible with, and will not adversely effect, the livability or appropriate development of abutting properties in the surrounding neighborhood. Consideration shall be given to the harmony in scale, bulk, and utilities; to harmful effects, if any, upon desirable neighborhood character; to the generation of traffic and the capacity of surrounding streets and to other relevant impact of the development.

KLAMATH COUNTY DEVELOPMENT CODE FINDINGS AND CONCLUSIONS:

1) The proposed use is conditionally permitted in the zone in which it is proposed.

2) The location, size, design and operating character-

FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION  
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istics of the proposed use is in conformance with the Klamath County Comprehensive Plan when the conditions as set forth herein are complied with.

3) 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 when the conditions as set forth herein are complied with.

4) Consideration has been given to the harmony in scale, bulk, coverage and density; to the availability of civic facilities and utilities; to harmful effects, if any, upon the neighborhood character; to the generation of traffic and the capacity of the surrounding streets to handle such.

5) The following conditions are deemed necessary to protect the health, safety and welfare of the citizens of Klamath County:

A. That the applicant follow the plot plan as filed herein.

B. That the applicant obtain and maintain a driveway permit from the Klamath County Public Works Department and that the applicant build the driveway to meet County specifications.

C. That the applicant construct a six foot (6') fence along the northern border of the subject property at the expense of the property owners or the applicant.

The fence shall be constructed in a neat and orderly fashion and maintained in that manner. It shall be constructed of wood or other similar material so as to prevent persons from going from the subject property onto the opponent's property on the North.

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. This request for a conditional use permit is consistent with, and complies with, all the applicable State-wide Planning Goals and review criteria.

3) The conditions as set forth above are deemed necessary to protect the health, safety and welfare of the citizens of Klamath County.

THEREFORE, it is hereby ordered that this request for a conditional use permit on the subject property herein described is hereby granted, subject to the conditions as set forth above.

DATED this 10 day of April, 1984.

  
JAMES R. UERLINGS

COMPREHENSIVE PLAN POLICIES AND STATE  
LAND USE GOALS 1 - 14

6009

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 5, 1984. 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

Article 46  
Major/Minor Partition  
Section 46.003 Review Criteria

Relevant Policies:

State Goal Issues:

The area is zoned and developed for suburban residential use. A mixture of houses and mobile homes characterize the neighborhood, which includes two mobile home parks. The proposed use is consistent with the requirements of the Klamath County Land Development Code.

|     | <u>Complies</u>          | <u>Does not<br/>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

6010

Relevant Policies:

State Goal Issues:

The property is in the Klamath Falls urbanized area, in a neighborhood developed for residential use. All needed urban utilities and services are installed in the area.

GOAL NO. 4 - Forest Lands

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

Relevant Policies:

State Goal Issues:

The area is completely urbanized. No Goal 4 resources would be affected by this permit.



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

6011

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

Relevant Policies:

State Goal Issues:

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

GOAL NO. 6 - Air Water and Land Resource Quality

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

Relevant Policies:

1. "The County shall support efforts to maintain and improve the quality of air resources."
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 mobile home is being moved from an adjacent lot. It would not be a new source of air pollution for the neighborhood.

The property is within the Klamath Disposal Company's solid waste collection franchise area, served by the County landfill on Old Fort Road. Sewer service to this property is provided by the South Suburban Sanitary District.

GOAL NO. 7 - Natural Disaster and Hazards Area

F. 6012

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

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 at urban area parks and schools. Relocating the mobile home from an adjacent property would not affect the need for or availability of recreational facilities.

GOAL NO. 9 - County Economy

6013

☐ Complies ☐ Does not Comply

☐ Complies with conditions

☒ Not applicable

Relevant Policies:

State Goal Issues:

The main economic effect of this proposal appears to be the rent savings to be realized by applicant's daughter. No long-term effects on the local economy or employment are evident.

GOAL NO. 10 - Housing

☒ Complies ☐ Does not Comply

☐ Complies with conditions

☐ Not applicable

Relevant Policies:

State Goal Issues:

The proposed permit would have minimal effects on housing needs or supply. The only change would be from occupying a rental space to occupying family-owned space.

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GOAL NO. 11 - Public Facilities and Services (

6014

- ☒ 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..."

State Goal Issues:

The property has water, sewer, electrical, telephone, gas and cable television. 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 fronts on a paved, County-maintained street. It is one block west of Altamont Drive, a main collector street for the suburban area. Basin Transit Service buses operate on Altamont.

GOAL NO. 13 - Energy Conservation

6015

☒ Complies ☐ Does Not Comply

☐ Complies with conditions

☐ Not applicable

Relevant Policies:

State Goal Issues:

The proposed CUP would conserve energy by developing in an area where all needed utilities and services are already installed.

GOAL NO. 14 - Urbanization

☒ Complies ☐ Does not Comply

☐ Complies with conditions

☐ Not applicable

Relevant Policies:

State Goal Issues:

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

Return: 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 12th day of April A.D., 19 84 at 9:30 o'clock A M, and duly recorded in Vol M84, of Deeds on page 6003.

EVELYN BIEHN, COUNTY CLERK

by: [Signature], Deputy

Fee: \$ None