

FINDINGS OF FACT, CONCLUSIONS
OF LAW AND ORDER

2) The property is generally located at Route 3, Box 282, Klamath Falls, Oregon, as Tax Lot 900, located in the SW $\frac{1}{4}$, NW $\frac{1}{4}$, Section 23, Township 39, Range 8, Klamath County, Oregon.

1984 APR 12 11 49 30

1 3) The plan designation of the property is rural
2 and the zone designation is R-1. Adjacent and/or surrounding
3 zoning is R-1, R-5 and IH.

4 4) The property's physical characteristics include
5 dimensions of 200' x 400' consisting of 1.97 acre, rectangular
6 in shape with topography consisting of a gradual rise up to
7 the North and general drainage is surface runoff to roadside
8 ditches. The SCS soil classification is VI and the timber
9 site productivity rating is none.

10 5) Sewer service is provided by septic tank system,
11 water by well and Pacific Power and Light and Pacific Northwest
12 Bell serve the property. Fire service is provided by Keno
13 Fire District.

14 6) The applicants are a family of six (6) and live
15 in a small, two-bedroom house at the front of the property.
16 They are requesting this permit to allow for the placement
17 of a mobile home for themselves and their three (3) youngest
18 children at the rear of the lot. The house would be occupied
19 by their eldest daughter while she attends O.I.T. The appli-
20 cants were advised that the conditional use permit would
21 terminate upon its own terms, should the house not be used
22 by the eldest daughter. The Health Department has requested
23 that approval of the conditional use permit be subject to
24 the approval of the Health Department for a new septic tank
25 system and for any modifications to the existing system
26 as they deem necessary. The applicants modified their plot plan

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER
Page 2.

1 marked Exhibit "B" at the time of the hearing to indicate that
2 the mobile home would be placed in the same area as indicated
3 on the plot plan; however, it would be parallel to Highway 66
4 instead of placed at an angle to the Highway.

5 7) The applicants have obtained a permit for the
6 proposed and existing access to the property from the State
7 Highway Division.

8 KLAMATH COUNTY DEVELOPMENT CODE CRITERIA:

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

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

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

17 C. That the location, size, design and operating
18 characteristics of the proposed development will be compatible
19 with, and will not adversely effect, the livability or appro-
20 priate development of abutting properties in the surrounding
21 neighborhood. Consideration shall be given to the harmony
22 in scale, bulk, and utilities; to harmful effects, if any,
23 upon desirable neighborhood character; to the generation of
24 traffic and the capacity of surrounding streets and to other
25 relevant impact of the development.

26 KLAMATH COUNTY DEVELOPMENT CODE FINDINGS AND CONCLUSIONS:

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER
Page 3.

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

2) The location, size, design and operating characteristics of the proposed use are in conformance with the Klamath County Comprehensive Plan, if the conditions as imposed herein are followed.

3) The location, size, design and operating characteristics of the proposed use will be compatible with, and will not adversely effect, the livability or appropriate development of the abutting properties and surrounding neighborhood if the conditions imposed 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 in order to protect the health, safety and welfare of the citizens of Klamath County:

A. That the applicant follow the plot plan as amended.

B. That the applicant obtain approval from the Klamath County Health Department for the proposed septic system for the property.

C. That this conditional use permit shall terminate ninety (90) days after the date upon which the

1 eldest daughter no longer uses the currently existing house
2 as her principal place of residence.

3 STATE-WIDE PLANNINGS GOALS AND CRITERIA:

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

6 CONCLUSIONS OF LAW AND DECISION:


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

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

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

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

20 DATED this 10 day of April, 1984.

21
22
23 
24 JAMES R. UERLINGS
25
26

COMPREHENSIVE PLAN POLICIES AND STATE

LAND USE GOALS 1 - 14

6021

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, 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 R-1 and developed for rural residential use. The lots on the north side of Highway 66 are between 1 and 2 acres in size and are characterized by houses with some mobile homes.

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

6022

Relevant Policies:

State Goal Issues:

The neighborhood surrounding this property is committed and developed for non-farm use. The properties on the north side of the highway are all one to two acres in size and have homes on them. The property on the south side of the highway is part of the Weyerhaeuser mill site.

GOAL NO. 4 - Forest Lands

☐ Complies ☐ Does not Comply

☐ Complies with conditions

☒ Not applicable

Relevant Policies:

State Goal Issues:

Area soils do not have a timber site productivity rating. The neighborhood is developed for residential use on small parcels and for industrial use.

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

6023

☐ Complies ☐ Does not Comply

☐ Complies with conditions

☒ Not applicable

Relevant Policies:

State Goal Issues:

There are no inventoried Goal 5 resources on or near the property affected by this application.

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 and rural 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 solid waste collection franchise area, served by the County landfill on Old Fort Road.

Approval of this permit should be conditioned on the necessary approval of a septic system by the County Health Department.

GOAL NO. 7 - Natural Disaster and Hazards Ar

6024

☒ Complies ☐ Does Not Comply

☐ Complies with conditions

☐ Not applicable

Relevant Policies:

1. "The County shall consider site constraints in evaluating land use in fire hazard areas."

State Goal Issues:

The area has a medium fire hazard rating. It is within the Keno Fire District. The fire district is planning a station in the Weyerhaeuser/Round Lake Road area, to be built this summer.

GOAL NO. 8 - Recreation Needs

☒ Complies ☐ Does Not Comply

☐ Complies with conditions

☐ Not applicable

Relevant Policies:

State Goal Issues:

The property would continue to be occupied by the present residents. The C.U.P. would not affect the need for or availability of recreational facilities.

GOAL NO. 9 - County Economy

6025

☒ Complies ☐ Does not Comply

☐ Complies with conditions

☐ Not applicable

Relevant Policies:

State Goal Issues:

The C.U.P. would provide short-term economic benefits through the sale and placement of a mobile home. No long-term effects on local economy or employment are anticipated.

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."

4. "The County shall permit development of rural land for rural residential use on suitable lot sizes."

State Goal Issues:

The proposed C.U.P. would allow the applicants to upgrade their living quarters by moving most of the family into a new, larger home.

GOAL NO. 11 - Public Facilities and Services

6026

- ☒ 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 are to be provided concurrently with defined levels of development..."

State Goal Issues:

Electrical and telephone services are available to the property. The property is within the Keno Fire Protection District. The level of services appears to be adequate to accommodate an additional home.

GOAL NO. 12 - Transportation

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

Relevant Policies:

State Goal Issues:

The property fronts on State Highway 66. The Highway Division has approved access permits for two driveways into this property (see Exhibit E).

GOAL NO. 13 - Energy Conservation

☒ Complies ☐ Does Not Comply

☐ Complies with conditions

☐ Not applicable

6027

Relevant Policies:

State Goal Issues:

The proposal would conserve energy by increasing the density of development in an area where needed utilities are already installed.

GOAL NO. 14 - Urbanization

☐ Complies ☐ Does not Comply

☐ Complies with conditions

☒ Not applicable

Relevant Policies:

State Goal Issues:

The property is outside of any urban or urbanizing area.

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., 1984 at 9:30 o'clock A M, and duly recorded in Vol M84, of Deeds on page 6016.

EVELYN BIEHN, COUNTY CLERK

Fee: \$ None

by: Ron Smith, Deputy