

BEFORE THE HEARINGS OFFICER

FOR KLAMATH COUNTY, OREGON

In the Matter of a) NO. 29-84
CONDITIONAL USE PERMIT) FINDINGS OF FACT, CONCLUSIONS
for) OF LAW AND DECISION
ORVAL MUSGROVE)

THIS MATTER came on for a hearing before the Klamath County Assistant Hearings Officer, JAMES R. UERLINGS, on July 19, 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 represented at the hearing by Sharon Ellis and the appropriate forms were signed to allow for said representation. The Planning Department was represented by Jonathan Chudnoff. No opponents appeared in opposition to the application.

The following exhibits were marked, entered into evidence and made a part of the records: Exhibit "A" through "D".

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 ORVAL K. MUSGROVE and FERN MUSGROVE.

FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION

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1 2. The subject property is located at 5800 Airway
2 Drive, being a portion of Lot 5 of Tract 1111, Klamath County,
3 Oregon.

4 3. The plan designation for the property is urban,
5 the zone designation is RS and the adjacent and/or surrounding
6 zoning is RS.

7 4. The property's physical characteristics are
8 as follows: 5.11 acres, irregular in shape consisting
9 of pasture, and residential landscaping. The topography
10 is level, and the general drainage is surface runoff in
11 a southerly direction. The SCS soil classification is
12 III. Access to the property is off of Airway Drive, a paved
13 County road.

14 5. The property is served by the Klamath County
15 School District, sewer is provided by septic system and
16 water is provided by the City of Klamath Falls. The property
17 is served by Pacific Power and Light, Pacific Northwest Bell
18 and Klamath Irrigation District. Fire service is provided
19 by Klamath County Fire District No. 1.

20 6. The applicant desires this conditional use
21 permit to allow for the placement of a mobile home on
22 her elderly father's property. The property is over 5 acres
23 in size and the applicant would help maintain the agricultural
24 use of the property as well as provide personal care required
25 by her father. The applicant testified that her father is
26 very ill at the present time and needs the care she can provide.

FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION

1 Her prior residences in the area have just been sold and,
2 therefore, this is an opportune time for her to move
3 onto the subject property. The property is on the fringe
4 of the Klamath Falls Urban Growth Boundary and the area has
5 some residential tracts developed with houses and mobile
6 homes, as well as property still in farm use. Urban utilities
7 are partly extended to the area, with electricity, telephone
8 and City water now available. Septic systems are currently
9 used for sewage disposal.

10 The applicant has bought a mobile home and will place
11 it on her father's property, once this conditional use permit
12 is granted.

13 KLAMATH COUNTY DEVELOPMENT CODE CRITERIA:

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

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

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

22 C. That the location, size, design and operating
23 characteristics of the proposed development will be compatible
24 with, and will not adversely effect, the livability or appro-
25 priate development of abutting properties in the surrounding
26 neighborhood. Consideration shall be given to the harmony

FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION

1 in scale, bulk, and utilities; to harmful effects, if any,
2 upon desirable neighborhood character; to the generation
3 of traffic and the capacity of surrounding streets and
4 to other relevant impact of the development.

5 KLAMATH COUNTY DEVELOPMENT CODE FINDINGS AND CONCLUSIONS:

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

8 2. The location, size, design and operating
9 characteristics of the proposed use are in conformance with
10 the Klamath County Comprehensive Plan.

11 3. The location, size, design and operating
12 characteristics of the proposed use will be compatible with,
13 and will not adversely effect, the livability and/or appro-
14 priate development of the abutting properties in the surround-
15 ing neighborhood. In considering the location and operating
16 characteristics of the proposed development, it appears
17 that they will be compatible with, and will not have a sig-
18 nificant adverse effect, on the appropriate development
19 and use of the abutting properties in the surrounding neigh-
20 borhood.

21 STATE-WIDE PLANNING GOALS AND REVIEW CRITERIA:

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

24 CONCLUSIONS OF LAW AND DECISION:

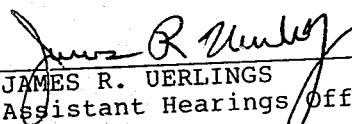
25 1. This request for a conditional use permit
26 on the subject property meets all applicable Klamath County
FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION

1 Development Code criteria and policies governing such.

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

5 THEREFORE, it is hereby ordered that this request
6 for a conditional use permit on the subject property
7 is granted.

8 DATED this 27 day of July, 1984.

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12 JAMES R. UERLINGS
13 Assistant Hearings Officer
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FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION

COMPREHENSIVE PLAN POLICIES AND STATE
LAND USE GOALS 1 - 14

12930

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 July 19, 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:

This permit is being reviewed using the criteria of Section 44.003 of the Land Development Code. Considering the property's location and the development trends of the area, the proposal for a mobile home complies with the Klamath County Plan.

	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

12931

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

Relevant Policies:

State Goal Issues:

The property is at the southeastern fringe of the Klamath Falls Urban Growth Boundary and is zoned for residential use. The soil is in SCS Capability Class III, and the bulk of the property is in irrigated pasture. Surrounding parcels are similarly used for "mini-farms." One purpose of this C.U.P. is to allow the applicant to help her disabled father maintain

GOAL NO. 4 - Forest Lands

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

the present use of the land. None of the surrounding agricultural use would appear to be adversely affected by this request.

Relevant Policies:

State Goal Issues:

Area soils have no timber productivity rating, and there are no forest lands or forest uses in the vicinity.

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

12932

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

Relevant Policies:

State Goal Issues:

There are no inventoried Goal 5 resources on or adjacent to this 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."
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. An additional septic system on the property would be subject to review and approval by the County Health Department.

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GOAL NO. 7 - Natural Disaster and Hazards Area

☐ Complies ☐ Does Not Comply

☐ Complies with conditions

☒ Not applicable

12933

Relevant Policies:

State Goal Issues:

No natural hazards are known to affect the area of this permit.

GOAL NO. 8 - Recreation Needs

☒ Complies ☐ Does Not Comply

☐ Complies with conditions

☐ Not applicable

Relevant Policies:

State Goal Issues:

The property is served by the recreational facilities of the Klamath Falls area.

GOAL NO. 9 - County Economy

12934

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

Relevant Policies:

State Goal Issues:

The requested permit would result in small economic benefits related to the placement of a mobile home.

No long-term effects on the Klamath County economy or employment are evident.

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 proposed C.U.P. would allow for a mobile home, providing the applicant with a moderate-cost residence. The mobile home placement would be within the density allowed by the RS zone.

GOAL NO. 11 - Public Facilities and Services

12935

☒ 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:

Electrical, telephone and city water service are available. The property is in County Fire District No. 1.

This level of services is adequate for the low density of development in the area.

GOAL NO. 12 - Transportation

☒ Complies ☐ Does not Comply

☐ Complies with conditions

☐ Not applicable

Relevant Policies:

State Goal Issues:

The property fronts on Airway Drive and is a short distance from both Homedale Road and Highway 39 which provide quick access to the rest of the urban area.

GOAL NO. 13 - Energy Conservation

12936

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

Relevant Policies:

State Goal Issues:

The proposed permit would promote energy conservation by increasing the residential density in an area where needed utilities and services are already in place.

GOAL NO. 14 - Urbanization

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

Relevant Policies:

State Goal Issues:

The property is at the southeast fringe of the Klamath Falls Urban Growth Boundary. Urban services are partly extended into the area and are sufficient for the present level of development.

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 31 day of July A.D., 19 84 at 1:26 o'clock P M, and duly recorded in Vol M84, of Deeds on page 12925.

EVELYN BIEHN, COUNTY CLERK

Fee: \$ Noneby: Pam Smith, Deputy