

BEFORE THE HEARINGS OFFICER

FOR KLAMATH COUNTY, OREGON

In the Matter of a Request for)	C.U. P. No. 12-85
CONDITIONAL USE PERMIT )	FINDINGS OF FACT, CONCLUSIONS
for )	OF LAW AND DECISION
MAX NEFF )	
)	

THIS MATTER came before the Klamath County Assistant Hearings Officer, JAMES R. UERLINGS, on the 4th day of April, 1985, 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, MAX NEFF, was represented by realtor, Bill Noonan. The owners of the property are Michael and Terry Beeson.

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

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

FINDINGS OF FACTS:

1. The subject property is located on Madison Street, between 3008 and 3036 Madison Street. The legal description of the property is the East 120 feet of the southerly 50 feet of Lot 18, Independence Tracts, Klamath County, Oregon.

2. The plan designation of the property is urban,  
FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION

1 the zone designation is RL and the adjacent and/or surrounding  
2 zoning is RS.

3 3. The property's physical characteristics are  
4 as follows: dimensions, 50' x 120', consisting of 6,000 square  
5 feet; the shape is rectangular; the vegetation consists of  
6 lawn and shrubs; the topography is level and the general  
7 drainage consists of surface runoff.

8 4. Access to the property is off of Madison Street.

9 5. Public facilities and services serving the  
10 property consist of the Klamath County School District,  
11 South Suburban Sanitary District provides sewer and water  
12 is provided by the City of Klamath Falls.

13 6. Utility districts serving the property include  
14 Pacific Power and Light, Pacific Northwest Bell, McCaw Cablevis-  
15 ion, and Enterprise Irrigation District. The fire district  
16 serving the property is County District No. 1.

17 7. The applicant desires to place a mobile home upon  
18 the subject property which was the subject of a re-zoning and  
19 partitioning in mid-1984. The zone change to RL was needed  
20 to create a parcel smaller than 10,000 square feet required in  
21 an RS zone. A side effect was that a mobile home became a  
22 conditional, rather than a permitted, use. The surrounding  
23 area on the West side of Madison Street consists of similar  
24 small lots and a mixture of houses and mobile homes. The  
25 Valley View Subdivision, with only houses, is across Madison  
26 Street to the East.

FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION

1     KLAMATH COUNTY DEVELOPMENT CODE CRITERIA:

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

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

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

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

19     KLAMATH COUNTY DEVELOPMENT CODE FINDINGS AND CONCLUSIONS:

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

22            2. The location, size, design and operating character-  
23     istics of the proposed use will be compatible with, and will  
24     not adversely effect, the livability and/or appropriate  
25     development of abutting properties in the surrounding neighborhood  
26     In considering the location and operating characteristics of

FINDINGS OF FACT, CONCLUSION OF LAW AND DECISION  
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1 the proposed development, it appears that they will be  
2 compatible with, and will not have a significant adverse  
3 affect upon, the abutting properties in the surrounding  
4 neighborhood.

5 STATE-WIDE PLANNING GOALS AND REVIEW CRITERIA:

6 Compliance with the State-wide Planning Goals  
7 and review criteria was met by Klamath County on the subject  
8 property at the time of the acknowledgement of Klamath County's  
9 Comprehensive Plan.

10 CONCLUSIONS OF LAW AND DECISION:

11 1. This request for a conditional use permit on  
12 the subject property meets all applicable Klamath County  
13 Development Code criteria and policies governing such, with  
14 the inclusion of the following condition which are deemed  
15 essential for the protection of the health, safety and  
16 welfare of the citizens of Klamath County:

17 A. The mobile home be located as shown on  
18 the plot plan, Exhibit "B".

19 2. This request for a conditional use permit is  
20 consistent with, and complies with, all applicable State-wide  
21 Planning Goals and review criteria and the Klamath County  
22 Comprehensive Plan.

23 THEREFORE, IT IS HEREBY ORDERED that this request for  
24 a conditional use permit on the subject property herein described  
25 is hereby granted, subject to the above condition.

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DATED this 15 day of April, 1985.

  
JAMES R. UERLINGS

STATE OF OREGON, )  
County of Klamath )  
Filed for record at request of

on this 19th day of April A.D. 19 85  
at 11:43 o'clock A M, and duly  
recorded in Vol. M85 of Deeds  
Page 5704

EVELYN BIEHN, County Clerk

By Pam Smith Deputy

Fee None

Return: Commissioner's Journal

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