

1 In the Matter of Request for)
2 Conditional Use Permit 23-86)
3 for Erma Ralston)
4)

Klamath County Planning
Findings of Fact and Order

5 A hearing was held on this matter on May 15, 1986, pursuant
6 to notice given in conformity with Ordinance No. 45.2, Klamath
7 County, before the Klamath County Hearings Officer, Brad Aspell.
8 The applicant was present. The Klamath County Planning Department
9 was represented by Kim Lundahl. The Hearings Reporter was
10 Janet Libercajt.

11 Evidence was presented on behalf of the Department and on
12 behalf of the applicant. There was one adjacent property owner
13 present.

14 The following exhibits were offered, received, and made a
15 part of the record:

16 Klamath County Exhibit A, Staff Report
17 Klamath County Exhibit B, Plot Plan
18 Klamath County Exhibit C, Assessor's Map
19 Klamath County Exhibit D, Letter from City of Klamath Falls
20 Klamath County Exhibit E, Photographs

21 The hearing was then closed, and based upon the evidence
22 submitted at the hearing, the Hearings Officer made the following
23 Conclusions of Law:

24 CONCLUSIONS OF LAW:

- 25 1. That the use is conditionally permitted in the zone in
26 which it is proposed to be located.
27 2. That the location, size, design, and operating character-
28 istics of the proposed use are in conformance with the Klamath
County Comprehensive Plan.

1 3. That the location, size, design, and operating character-
2 istics of the proposed development will be compatible with and
3 will not have significant adverse effects on the appropriate devel-
4 opment and use of abutting properties and the surrounding neigh-
5 borhood.

6 FINDINGS OF FACT:

7 This Conditional Use Permit has been granted with conditions
8 based on the following Findings of Fact:

9 1. Applicant is the owner of real property generally known
10 as Lot 86, Casitas Tract, Klamath County, Oregon, Section 10CD,
11 Township 39S, Range 9EWM, Klamath County, Oregon, bearing Tax
12 Account No. 3909-10CD-7100. The street address of the subject
13 property is 4442 Austin Street. The property in question is
14 rectangular in shape with dimensions of 80 feet by 178.7 feet,
15 with the width fronting on Austin Street, a paved County Road,
16 approved to current road standards. The property is located on
17 the west side of Austin Street, approximately 250 feet north of
18 Barry Avenue, and south of Brooklyn Avenue.

19 2. The real property carries a zone designation of RS (Sub-
20 urban Residential), is .32 acres in size, and has an existing
21 mobile home on the property which meets side and rear yard setbacks
22 but is three feet short of the requisite setback in the front
23 yard. Applicant seeks a Conditional Use Permit to locate an addi-
24 tional mobile home of 28 feet by 40 feet to the rear of the
25 existing mobile home as shown on the attached plot plan introduced
26 as Exhibit "B". The proposed placement meets all required setbacks.
27 Applicant seeks placement of the mobile home on the property to
28 permit her granddaughter and family to move the mobile home onto

1 the subject property, to assist in the applicant's care should
2 the applicant become sick or physically incapacitated. Access
3 to the property is via a gravelled driveway off Austin Street.
4 The existing mobile home and its placement are shown in Exhibit
5 "E". Land development within the immediate neighborhood is mixed
6 with a number of lots being vacant, especially along Avalon Place
7 cul-de-sac to the west. Improvements on Austin street and a
8 number of vacant lots, include an even mix of mobile homes and
9 inground homes of modest size. Topography is generally level
10 with general drainage from the west to the east. Vegetation is
11 consistent with residential development. No SCS soils data nor
12 timber site productivity rating are available for the property.
13 The property is located within the Klamath Falls Urban Growth
14 Boundary.

15 3. Public facilities and services include water supplied
16 by the City of Klamath Falls, sewer collection by South Suburban
17 Sanitary District, electricity provided by Pacific Power & Light
18 Company. The property lies within the attendance area of the
19 Klamath County School District and is in Klamath County Fire
20 District No. 1.

21 4. Applicable provisions of the Klamath County Land
22 Development Code include Klamath County Comprehensive Plan goals
23 and guidelines, LDC Section 51.005(C)(6) (placement of additional
24 mobile home in the RS zone); and LDC Section 44.003 (Review
25 Criteria - Conditional Use Permit).

26 5. The Hearings Officer finds of the relevant goals and
27 guidelines of the Klamath County Comprehensive Plan:

28 A. Goal 1 (Citizen Involvement) has been met. Notice

1 was given to adjacent property owners, affected public
2 agencies, and published in the Herald and News, a news-
3 paper of general circulation. No testimony from adverse
4 persons was received at the hearing.

5 B. Goal 2 (Land Use Planning) has been met. An applica-
6 tion for a second mobile home within the RS zone is per-
7 mitted under Conditional Use Permit criteria.

8 C. The Hearings Officer finds the following goals to
9 be inapplicable to this application: Goal 3 (Agricultural
10 Lands); Goal 4 (Forestry Lands); Goal 5 (Open Spaces,
11 Scenic, Historic and Natural Resources Areas); Goal 6
12 (Air, Water, and Land Resources Quality); Goal 7 (Natural
13 Disasters and Hazards); Goal 8 (Recreation Needs); Goal
14 9 (Economy of the State); Goal 11 (Public Facilities
15 and Services); Goal 12 (Transportation); and Goal 14
16 (Urbanization).

17 D. Goal 10 (Housing) has been met in that approval will
18 permit additional single family housing at modest addi-
19 tional cost, provide viable house opportunity for segment
20 of society; senior adults who wish to maintain their
21 relative freedom.

22 E. Goal 13 (Energy Conservation) will be met in that
23 the property lies within the Urban Growth Boundary and
24 that ostensibly the second mobile home on the subject
25 property proximity between the extended family will
26 minimize the need for additional vehicular travel.

27 6. The Hearings Officer finds under LDC Section 51.005(C)(6)
28 that an additional mobile home on the premises is permitted for

1 persons related to the owner or contractual purchasers. Section
2 44.003(A) of the Review Criteria has been met.

3 7. The Hearings Officer finds from the above description
4 that the location, size, design, and operating characteristics of
5 the proposed use are in conformance with the Klamath County Compre-
6 hensive Plan. Section 44.003(B) has been met.

7 8. The Hearings Officer finds that the location, size,
8 design and operating characteristics of the proposed development
9 will be compatible with and will not have significant adverse
10 effects upon appropriate development and use of abutting properties
11 subject to the following conditions:

12 CONDITIONS:

13 A. This Conditional Use shall expire: 1) 90 days after
14 the date of this order unless the applicant shall have secured
15 mobile home placement permit; 2) that the placement comply with
16 all laws relating thereto, including the provision of electricity,
17 sewage disposal, and meet all relevant criteria of the Klamath
18 County Land Development Code; 3) upon the sale, lease, or other
19 transfer by applicant of her interest in the subject real property
20 or the sale, lease, or rental of applicant's mobile home situate
21 thereon; 4) upon applicant's granddaughter vacating the subject
22 property for more than 90 days; 5) upon the destruction or removal
23 of either mobile home from the subject property; 6) upon the
24 expiration of 10 years from the date of this Order.

25 B. As a further condition of the granting of this Condi-
26 tional Use Permit, the Planning Director shall verify that the
27 familiar relationship between the applicant and the owner of the
28 second mobile home prior to placement, and from time to time,

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1 verify the continued residence of the applicant and granddaughter
2 thereon.

3 The Hearings Officer, based on the foregoing Findings of
4 Fact, accordingly orders that the property described herein is
5 hereby conditionally granted a Conditional Use Permit with
6 conditions in accordance with the terms of the Klamath County
7 Zoning Ordinance No. 45.2, and, henceforth, will be allowed an
8 additional mobile home in the RS (Suburban Residential) zone.

9 Entered at Klamath Falls, Oregon, this 18th day of June,
10 1986.

11
12 KLAMATH COUNTY HEARINGS DIVISION

13 Bradford J. Aspell
14 Bradford J. Aspell, Hearings Officer
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STATE OF OREGON: COUNTY OF KLAMATH: SS.

Filed for record at request of _____ the _____ day
of June A.D. 19 86 at 11:14 o'clock A. M., and duly recorded in Vol. M86
of Deeds on Page 10638

FEE NONE

Return: Commissioners' Journal

Evelyn Biehn, County Clerk
By [Signature]

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