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BEFORE THE HEARINGS OFFICER

KLAMATH COUNTY, OREGON

In the Matter of a Request for)

C.U.P. 38-86

CONDITIONAL USE PERMIT)

FINDINGS OF FACT,
CONCLUSIONS OF LAW AND
DECISION

for)

CHARLES L. and MICHAELA JOYCE)
PAULSEN)

THIS MATTER came before Assistant Hearings Officer, JAMES R. UERLINGS, on the 18th day of September, 1986, 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 applicants, CHARLES and MICHAELA PAULSEN, appeared in person and the Planning Department was represented by Kim Lundahl.

The following exhibits were marked, entered and received 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. This request for a conditional use permit is for the placement of a double-wide mobile home on an individual lot on land zoned Medium Density Residential under Section 51.007 of the Klamath County Land Development Code.

86 SEP 20 PM 2 45

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2 2. The subject property is described as Lot 20, New
3 Deal Tracts, bearing Klamath County Tax Account #3809-35CC-300.
4 The property is located generally North of Frieda Street and
5 West of Gary Street, in the New Deal Tracts.

6 3. The property's physical characteristics are as
7 follows: Plan Designation is Residential and the Zone Designation
8 is Medium Density Residential. The dimensions of the
9 property are 112 feet by 207 feet, consisting of a parcel
10 rectangular in shape. The topography features consist of the
11 Enterprise Irrigation District Canal traversing the property.
12 General drainage on the property is an undefined sheet flow due
13 to disturbed surface. Vegetation consists of grass and brush.
14 Access to the property is off Frieda Street. The property is
15 located in a rural residential area, typical of the northern
16 suburban districts in the Klamath Falls Urban Growth Boundary.

17 4. Adjacent and surrounding zoning consists of Medium
18 Density Residential.

19 5. Public services and facilities serving the property
20 are water by the City of Klamath Falls, sewer by South
21 Suburban Sanitary District, fire protection by the Klamath
22 County Fire District No. 1, electricity by Pacific Power and
23 Light, and schools are provided by the Klamath County School
24 District.

25 6. The property has been utilized as a residence in
26 the past as there are two partial buildings on the property, a
carport and a wood shed. A review of the neighborhood indicates

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1 a mix of stick built and mobile home uses; approximately 50% of
2 the properties are mobile home uses. Many of the mobile home
3 uses are single-wide mobile homes which are no longer permitted
4 under current land use code without a variance. This
5 application is for a double-wide mobile home.

6 7. The Planning Department indicates that the lo-
7 cation of a double-wide mobile home on the site would be an
8 asset to the neighborhood.

9 KLAMATH COUNTY DEVELOPMENT CODE CRITERIA:

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

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

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

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

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KLAMATH COUNTY GOALS AND POLICIES COMPLIANCE:

See Exhibit "A" attached hereto and incorporated by this reference.

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 characteristics of the proposed use will be compatible with, and will not adversely effect, the livability and/or appropriate development of abutting properties in the surrounding neighborhood. In considering the location and operating characteristics of the proposed development, it appears that they will be compatible with, and will not have a significant adverse effect on, the abutting properties in the surrounding neighborhood.

CONCLUSIONS OF LAW AND DECISION:

1. This request for a conditional use permit on the subject property meets all 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 applicable Klamath County land use planning policies.

THEREFORE, IT IS HEREBY ORDERED that this request for a conditional use permit on the subject property is granted.

DATED this 26 day of September, 1986.


JAMES R. UERLINGS

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Conformance with Relevant Klamath County Policies:

Goal 1 - Citizen Involvement:

This application has been set for hearing September 18, 1986. Notice of this hearing has been posted in public places, published in the Herald & News, and mailed to adjacent property owners and concerned agencies.

Goal 2 - Land Use Planning:

The application process enacts the acknowledged plan and policies through the vehicle of the Land Development Code.

As the project site is located within the Urban Growth Boundary, statewide planning goals are not affected by this application.

EXHIBIT "A", Page 1 and Last.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of _____
of September _____ A.D., 19 86 at 2:45 o'clock P M., and duly recorded in Vol. M86 day
of _____ Deeds on Page 17652

FEE NONE

Return: Commissioners' Journal

By Evelyn Biehn, County Clerk

[Signature]