

## BEFORE THE HEARINGS OFFICER OF KLAMATH COUNTY, OREGON

In the Matter of the Request	)	C.U.P. 16-87
for a Conditional Use Permit	)	FINDINGS OF FACT, CONCLUSIONS
for WILLIAM J. RICHARDSON.	)	OF LAW AND ORDER

This matter came before Hearings Officer William M. Ganong on June 4, 1987 in the Klamath County Commissioner's Hearing Room. The Hearing was held pursuant to the Notice given in conformity with the Klamath County Land Development Code and related ordinances. William Richardson and Joan Richardson represented the applicant at the Hearing. The Klamath County Planning Department was represented by Mr. Carl Shuck and the Recording Secretary was Janet Libertajt. The Klamath County Planning Department file and all contents thereof were incorporated in the record as evidence. The County Hearings Officer, after reviewing the evidence presented, makes the following Findings of Fact, Conclusions of Law and Decision:

FINDINGS OF FACT:

1. The Applicant has applied for a Conditional Use Permit to construct a single family residence in the RH High Density Residential Zone. The property is located approximately 330 feet north of Beverly Drive, within the urban growth boundary of Klamath Falls, and is Klamath County Tax Assessor Lot No. 3809-34AD-1800.
2. The Hearings Officer viewed the subject property with Planning Department staff.
3. The Applicant intends to construct a single family residence on the subject property. The residence will be served

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by water from the City of Klamath Falls and by a septic system located on the subject property. Although the area surrounding the site is zoned RH, the residences located near the subject site are all on large lots or several platted lots. Prior Conditional Use Permits have been issued to landowners within a half mile radius of the subject site to construct single family residences in the RH zone. There are no multi-family residences in this area.

4. The Findings of Fact and Conclusions set forth in the Klamath County Staff Report are hereby adopted and incorporated herein by this reference.

KLAMATH COUNTY LAND DEVELOPMENT CODE CRITERIA

Code Section 51.008 (C) (10) allows a single family residence in this zone with a Conditional Use Permit. Code Section 44.003 sets forth the criteria for granting a Conditional Use Permit.

KLAMATH COUNTY LAND USE GOALS AND POLICIES COMPLIANCE

The Goals and Policy Findings of the Klamath County Planning Department Staff Report are hereby adopted and incorporated herein by this reference.

KLAMATH COUNTY CODE, FINDINGS OF FACT, AND CONCLUSIONS

The following Findings and Conclusions are made with respect to the criteria set forth in Code Section 44.003.

A. As set forth above, the RH Zone does allow use of property for a single family residence with a Conditional Use Permit.

B. The location, size, design and operating characteristics of the proposed use as a single family residence are in conformance with the Klamath County Comprehensive Plan. The Plan has set aside substantial areas for higher density residential use. In addition, the Klamath Falls Comprehensive Plan contains land for high density residential use. The lack of a community sewer system in this area at this time limits the use of the property for high density residential uses. The Findings of Fact set forth on the Planning Department staff report support the findings that the proposed use is in conformance with the Klamath County Comprehensive Plan.

c. The siting of a single family residence and accessory septic system are compatible with and will have no significant adverse affect on appropriate development and use of abutting property and the surrounding neighborhood. As described above, the surrounding neighborhood is composed generally of single family residences on relatively large lots. Some of the lots contain pasture for domestic animals. William Holford, who owns land in the immediate area, testified that he is concerned that if high density residential use were allowed in this area it would adversely affect the value of the land in the area. In his opinion the best use is for single family residences. The subject lot is adequate in size, as shown on the plot plan submitted with the application, to comfortably allow the development of this property for a single family residence. There is no evidence in the record whatsoever which would indicate that the proposed use

would have any adverse effect on the development and use of abutting property or the surrounding neighborhood.

CONCLUSIONS OF LAW AND ORDER

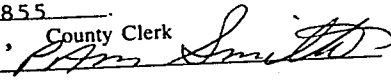
The subject application for a Conditional Use Permit to construct a single family residence on the above described property is granted. The applicant shall comply with all requirements of the Klamath County Department of Health Services concerning the installation of the septic system to serve the residence and with all other land development and building code requirements.

DATED this 1st day of July, 1987.

  
William M. Ganong  
Hearings Officer

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County Planning Department the 7th day  
of July A.D. 19 87 at 9:08 o'clock A M., and duly recorded in Vol. M87,  
of Deeds on Page 11855.

Evelyn Biehn, County Clerk  
By 

FEE NONE

Return: Commissioners' Journal