

96372

BEFORE THE HEARINGS OFFICER OF KLAMATH COUNTY, OREGON

In the Matter of the Request)	C.U.P. 48-88
for a Conditional Use Permit)	FINDINGS OF FACT, CONCLUSIONS
for CHARLES L. PAULSON, JR.)	OF LAW AND ORDER

This matter came before Hearings Officer William M. Ganong on January 5, 1989 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. Charles Paulson represented himself at the Hearing. The Klamath County Planning Department was represented by Carl Shuck and the Recording Secretary was Karen Burg. 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 north of Beverly Drive, within the urban growth boundary of Klamath Falls, and is Klamath County Tax Assessor Lot No. R3809-03AB-00400.
2. The Hearings Officer viewed the subject area with Planning Department staff in connection with C.U.P. 16-87 which concerned a similar application. Four other similar permits have been granted in the last three years.
3. The Applicant intends to construct a single family residence on the subject property. The residence will be served 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. There are no multi-family residences in this area.

'89 JAN 24 AM 11 24

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 prevents 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.

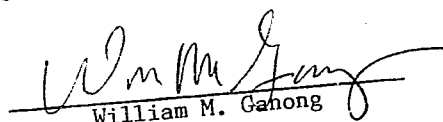
c. The siting of a single family residence and accessory septic system are compatible with and will have no significant adverse affect on appropriate development and use of abutting property and the surrounding neighborhood. As

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. 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 20th day of January, 1989.


William M. Gahong
Hearings Officer

Klamath County Land Development Code Section 24.007 provides:

"An Order of the Hearings Officer shall be final unless appealed within ten (10) days of its mailing by a party having standing in accordance with the procedures set forth in Chapter 3, Article 33 of the Code."

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County the 24th day
of Jan. A.D. 19 89 at 11:24 o'clock A. M., and duly recorded in Vol. M89,
of Deeds on Page 1373
By Evelyn Biehn County Clerk
Pauline Millenolore

FEE none