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Vol. ^{mv} 76 Page 8837

BOARD OF COUNTY COMMISSIONERS

In and For the County of Klamath, State of Oregon

IN THE MATTER OF THE APPLICATION)
 OF ROBERT M. GION FOR CONDITIONAL)
 USE PERMIT NO. 76-6)

O R D E R

THIS MATTER came on for hearing before the Planning Commission on March 30th, wherein the Klamath County Planning Commission after hearing testimony disapproved Conditional Use Permit 76-6, a particular description of the real property as being on a lot 50 feet by 169.6 feet and generally located on the west side of Summers Lane, approximately 86 feet south of Bany Avenue and more particularly described as the north 50 feet of Lot 1, Burnside Addition, Klamath County, Oregon and incorporated by reference herein, for Robert M. Gion to disallow placement of mobile home in an RD 10,000 zone based upon the following Findings of Fact and Conclusions of Law.

Findings of Fact:

1. There are no mobile homes in the immediate area.
2. The lot will be rented for mobile home use and the majority of the area is owner-occupied houses.
3. Testimony was received from neighbors that the C.U.P. would be detrimental to the neighborhood.
4. The proposed site does not conform in size and shape with the lots in the surrounding area.

Conclusions of Law:

1. The proposed use may have an adverse effect on the abutting property owners.
2. The condions stated in the decision are deemed necessary to protect the public health, safety, and general welfare of residents in this area.

The Order of the Klamath County Planning Commission contains Findings of Fact and Conclusions of Law as is more specifically set forth in the record of the Planning Commission Meeting, March 30, 1976. Pursuant to Article 114 of Klamath County Ordinance No. 17, Section 114.002, Paragraph 10, applicant filed a letter of appeal for hearing.

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Pursuant to Article 114 of Ordinance No. 17, a public hearing was regularly held on May 12, 1976, before the Board of County Commissioners and it appearing to the Board of County Commissioners from reviewing all pertinent evidence and testimony related to the requested C.U.P., reports, and information produced by the applicant, the Planning Commission, Planning Department, and interested property owners in the area, the Board of Commissioners makes the following Findings of Fact and Conclusions of Law as required by Ordinance No. 17, the Klamath County Zoning Ordinance.

Findings of Fact:

1. The zoning for the area is RD 10,000 as well as the proposed site, which zone is intended for residential use.
2. The C.L.U.P. Map indicates the area as Urban Density Residential, as well as the proposed site, for which use is intended for.
3. The proposed site, being Lot 1 of Burnside Subdivision, was purchased in 1971 and utilized as a rental which use will continue to be, with the mobile home being owner-occupied.
4. Lot 1, of Burnside Subdivision is approximately 50 feet by 120 feet, and therefore the size and shape will be adequate to accommodate mobile home use.
5. The proposed site relates to streets in that access will be off of Summers Lane.
6. With lot 1, of Burnside Subdivision being utilized for mobile home use and not left vacant, there will not be any adverse effect on abutting properties.
7. Lot 1, of Burnside Subdivision will be utilized by a mobile home which will meet building, plumbing, and electric standards, as well as all setbacks of the RD 10,000, which is necessary to protect the public health, safety, and general welfare.

Based upon the foregoing Findings of Fact, the Board makes the following Conclusions of Law.

1. The site for the proposed use is adequate in size to accommodate said use and all yards, fences, landscaping, and other features required to adjust said use with land and uses in the neighborhood.
2. The site for the proposed use relates to streets and is adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use.

8839

3. The proposed use will have no adverse effect on abutting property or the permitted uses thereof.

4. The conditions stated in the decision are deemed necessary to protect the public health, safety, and general welfare.

Granting of this Conditional Use Permit, if any, is in no way intended to amend, modify or change any deed restrictions in connection or applicable to subject property or any legal rights created therein.

NOW, THEREFORE, IT IS HEREBY ORDERED that the application of Robert M. Gion for Conditional Use Permit 76-6 for placement of a mobile home in an RD 10,000 is hereby approved.

Decided June 15, 1976.

Signed June 15, 1976.

Chairman

Bryan Williams
County Commissioner
Logg Jett
County Commissioner

APPROVED AS TO FORM:
Boivin and Boivin
County Legal Counsel

By *Bryan Williams*

STATE OF OREGON,
County of Klamath

Filed for record at request of

KLAMATH COUNTY BOARD OF COMMISSIONERS

on this 15th day of June A.D. 19 76
at 2:17 o'clock P M, and duly

recorded in Vol. 88 M 76 of DEEDS

Page 8837

Wm D. MILNE, County Clerk

By *Handwritten Signature* Deputy

Fee NONE