

BEFORE THE HEARINGS OFFICER

KLAMATH COUNTY, OREGON

In the Matter of Request for)
Conditional Use Permit 78-32 for) Klamath County Planning
Lewis Sterk, Applicant) FINDINGS OF FACT AND ORDER

A hearing was held in this matter at Klamath Falls, Oregon, on August 9, 1978, pursuant to notice given in conformity with Ordinance No. 35, Klamath County, before Klamath County Hearings Officer, Jim Spindor. The applicant was present. The Klamath County Planning Department was represented by Carl Shuck. The Hearings Reporter was Isabel Rodriguez.

Evidence was presented on behalf of the Department and on behalf of the applicant. There were several surrounding property owners present who stated they had objections to the proposed Conditional Use Permit requested by the applicant.

The following Exhibits were offered, received and made a part of the record:

Klamath County Exhibit A, the Staff Report
Klamath County Exhibit B, photos of the subject property
Klamath County Exhibit C, a Klamath County Assessor's map of the subject property
Klamath County Exhibit D, a Klamath County Zoning map of the subject property
Applicant's Exhibit 1, Plot Plan
Applicant's Exhibit 2, Memo to County Commissioners

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1 The hearing was then closed, and based upon the evidence
2 submitted at the hearing, the Hearings Officer made the following
3 findings of fact:

4 FINDINGS OF FACT:

5 1. In addition to the evidence submitted at the hear-
6 ing, the Hearings Officer viewed the site in order to make more
7 accurate findings.

8 2. The site is not adequate in size and shape to
9 house the proposed activity. The normal lot size in this
10 vicinity is 50 feet by 136 feet, while the applicant's lot is 25
11 feet by 136 feet.

12 3. The proposed use does not fit in with the neighbor-
13 hood, as is shown by the fact that there are no mobile homes in
14 this vicinity.

15 4. Although the site has adequate access to the
16 streets, it is questionable whether there is adequate space for
17 parking.

18 5. There was testimony against the approval of this
19 use; several nearby property owners were opposed to the
20 placement of a mobile home in their neighborhood.

21 6. There would be adverse affects to abutting property
22 owners by allowing this use, in that the size of the lot is not
23 adequate for the proposed use and that it would introduce a
24 mobile home into an area where no others are present.

25 The Hearings Officer, based on the foregoing Findings
26 of Fact, accordingly orders as follows:

27 That real property described as the
28

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"parcel of land approximately 2,925 square feet in size and generally located on the north side of Darrow Avenue, and south of Pear Street, approximately 450 feet west of the "A" Canal and approximately 1,000 feet west of Washburn Way and more particularly described as situated in the east 1/2 of Lot 5, Block 2, Mills Gardens, Tax Lot 2100, Section 34, Township 38 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon"

is hereby denied a Conditional Use Permit in accordance with the terms of the Klamath County Zoning Ordinance No. 17 and henceforth will not be allowed the placement of a mobile home on the subject property.

Entered at Klamath Falls, Oregon, this 28th day of August, 1978.

KLAMATH COUNTY HEARINGS DIVISION

By B. D. Pinder
Hearings Officer

IN THE MATTER OF)
Conditional Use Permit)
78-12)
STATE OF OREGON)
County of Klamath)

19905

AFFIDAVIT OF MAILING
FOR
Lewis Sterk

The undersigned certifies that as an employee of the Klamath County Planning Department she served the foregoing on the parties on September 1, 1978 by depositing a copy of said Findings of Fact and Order in a sealed envelope in the United States mail at Klamath Falls, Oregon, with postage thereon fully prepaid and addressed to the said parties at their last known place of business or residence, as follows:

Commissioners' Office
Courthouse Annex
Klamath Falls, OR 97601

Assessor's Office
Courthouse Annex
Klamath Falls, OR 97601

Clerk's Office
Courthouse
Klamath Falls, OR 97601

Lewis Sterk
10122 Gish Street
Tijunga, CA 91042

Anna Mae Beedy
E. K. Beedy
2813 Darrow Avenue
Klamath Falls, OR 97601

Ralph B. Coulson
952 Applewood
Klamath Falls, OR 97601

Emmit Hill
946 Applewood
Klamath Falls, OR 97601

SUBSCRIBED and sworn to before me this 1st day of September, 1978.

Lois Rodriguez
Hearings Reporter

Mary C. Sells
NOTARY PUBLIC FOR THE STATE OF OREGON
My Commission Expires:

2-6-82

STATE OF OREGON; COUNTY OF KLAMATH; ss.

I hereby certify that the within instrument was received and filed for record on the 8th day of September A.D., 19 78 at 3:15 o'clock P. M., and duly recorded in Vol. M78 of Deeds on Page 19903

FEE \$12.00

WM. D. MILNE, County Clerk

Dy Bonnie Schell

Deputy