

BOARD OF COUNTY COMMISSIONERS

KLAMATH COUNTY, OREGON

IN THE MATTER OF THE APPLICATION)
FOR COMPREHENSIVE LAND USE PLAN)
CHANGE AND ZONE CHANGE 78-13 BY) O R D E R
FRANK BROWN AND SHERIDAN SCOTT)

THIS MATTER having come on for hearing before the Planning Commission and before the Board of County Commissioners, the application of Frank Brown and Sheridan Scott for a Comprehensive Land Use Plan change from Urban Density to Multiple Density and a Zone Change from RA (Residential Agriculture) to MHP (Mobile Home Park), on real property described as Township 39, Range 9, Section 11, Tax Lots 200, 201, 400 and generally described as being west of Homedale and approximately 300 feet north of Bristol. Public hearings having been heard by the Klamath County Planning Commission on June 27, 1978, and August 1, 1978, wherefrom testimony, reports and information produced at the hearing by the applicant, members of the Planning Department Staff and other persons in attendance, the Planning Commission recommended disapproval to the Board of County Commissioners. The Findings of Fact and Conclusions of Law of the Planning Commission are as follows:

FINDINGS OF FACT:

1. On August 1, 1978, the Planning Commission recommended to the Board of County Commissioners disapproval of Comprehensive Land Use Plan due to the fact that the area was not Single-Family Residential.
2. Testimony before the Planning Commission indicated that single-family residences were the trend and that there were

1 no uses in the area that would change that type of trend.

2 3. Testimony before the Planning Commission indicated
3 that Homedale was not adequate to take the increase in traffic
4 that a mobile home park would generate.

5 4. Testimony before the Planning Commission indicated
6 that Peterson School was overcrowded.

7 5. Testimony from the Area Committee indicated they
8 were against the mobile home park.

9 6. Testimony before the Planning Commission indicated
10 that there were four other areas zoned for mobile home parks.

11 There were no Conclusions of Law stated.

12 PLANNING COMMISSION ZONE CHANGE FINDINGS OF FACT:

13 1. On August 1, 1978 the Planning Commission recom-
14 mended to the Board of County Commissioners disapproval of the
15 change of zone because the area was for single-family residential.

16 2. Testimony before the Planning Commission indicated
17 that single-family residences were the trend and that there were
18 no uses in the area that would change the type of trend.

19 3. Testimony before the Planning Commission indicated
20 that Homedale was not adequate to take the increase in traffic
21 that a mobile home park would generate.

22 4. Testimony before the Planning Commission indicated
23 that Peterson School was overcrowded.

24 5. Testimony from the Area Committee indicated they
25 were against the mobile home park.

26 6. Testimony before the Planning Commission indicated
27 that there were four other areas zoned for mobile home parks.

28 There were no Conclusions of Law stated.

1 Following action by the Planning Commission, a public
2 hearing before the Board of County Commissioners was regularly
3 held on September 19, 1978, wherefrom the testimony at said hear-
4 ing it appeared from the record below, the testimony at said
5 hearing it appeared from the record below the testimony, reports
6 and exhibits introduced at the hearing before the Planning Com-
7 mission that the application for a change of Comprehensive Land
8 Use Plan and Zone Change for the subject property, should be
9 granted.

10 The Board of County Commissioners makes the following
11 Findings of Fact and Conclusions of Law as required by Ordinance
12 No. 17, the Klamath County Zoning Ordinance:

13 CLUP FINDINGS OF FACT FOR THE BOARD OF COUNTY COMMISSIONERS:

14 1. On September 19, 1978, the Board of County Commis-
15 sioners found proposed site as being approximately ten (10) acres
16 in size and Ordinance No. 17, Section 54.002, states that a
17 Mobile Home Park should have two (2) acres in size and therefore
18 meets the property development standards of the zoning ordinance.

19 2. On September 19, 1978, the Board of County Commis-
20 sioners found proposed site to be rectangle in shape and per Ap-
21 plicant's Plot Plan, Applicant met all setbacks for the place-
22 ment of mobile homes.

23 3. Testimony from the record before the Planning
24 Commission on June 27, 1978 and August 1, 1978, as well as
25 September 19, 1978, indicated that Applicant has access onto
26 Homedale Road, which is a paved street and maintained.

27 4. Testimony from Applicant, per letter from Lyle C.
28 Smith, marked Applicant's Exhibit 13, indicated to the Board

1 of County Commissioners that the Public Works Department issued
2 a driveway permit at a point where there will not be a lack of
3 visability nor create an abnormal traffic problem.

4 5. Testimony before the Planning Commission on June 27,
5 1978, and August 1, 1978, and before the Board of County Commis-
6 sioners on September 19, 1978, indicated that there were mobile
7 homes in the surrounding area thus creating a neighborhood where
8 there are mixed residential uses.

9 6. Testimony before the Planning Commission on June 27,
10 1978, and August 1, 1978, and before the Board of County Commis-
11 sioners on September 19, 1978, indicated that not only mobile
12 homes in the area, but also a parcel zoned for manufacturing and
13 therefore indicating there would only be a limited adverse affect
14 on any property within the affected area.

15 7. Testimony before the Board of County Commissioners
16 indicated that this proposed Comprehensive Land Use Plan change
17 for property affected was adequate in size and shape, related to
18 streets to adequately serve the kind of traffic that would be
19 generated and that with multiple uses in the neighborhood that
20 their Comprehensive Land Use Plan change in effect represents
21 the best and most appropriate use of the land.

22 8. The record before the Board of County Commissioners
23 indicated that Planning Department had notified those property
24 owners within five hundred (500) feet and Ordinance No. 17 pre-
25 scribes only two hundred fifty (250) feet, plus people for and
26 against gave testimony, therefore meeting LCDC Goal No. 1.

27 9. Testimony before the Planning Commission as well
28 as the Board of County Commissioners indicated that the proposed

1 site for change in Comprehensive Land Use Plan was not an econom-
2 ical farm unit due to the surrounding uses such as a mixture of
3 mobile homes and housing, therefore addressing LCDC Goal No. 3.

4 10. Testimony before the Board of County Commissioners
5 indicated that site for change in Comprehensive Land Use Plan did
6 not relate to Goal No. 4 of LCDC, that being Forest Lands.

7 11. The record before the Board of County Commissioners
8 indicated that the site for change in Comprehensive Land Use Plan
9 appeared not to be an area that was scenic or historical, or an
10 area for mineral and aggregate resources, thus meaning Goal No. 5
11 of LCDC was not applicable.

12 12. The record before the Board of County Commissioners
13 indicated that site would be developed where mobile home park
14 will provide a type of housing for all incomes for those with
15 mobile homes. The plan calls for single-wides as well as double-
16 wides to be placed on site, thus addressing Goal No. 10 of LCDC,
17 Housing.

18 13. The record before the Board of County Commissioners
19 indicated that Applicant received a letter from the City of
20 Klamath Falls indicating that the city could furnish the site
21 with water once plans of development have been submitted to the
22 City of Klamath Falls for their review. Testimony also indicated
23 site could be serviced by electricity, sewer and gas, thus ad-
24 dressing LCDC Goal No. 11, Public Facilities.

25 14. The record before the Board of County Commissioners
26 indicated that site for change of Comprehensive Land Use Plan ap-
27 peared to be within an urban growth boundary line which would be
28 established once all land use studies had been completed.

CONCLUSIONS OF LAW:

1
2
3 1. The property affected by the Comprehensive Land
4 Use Plan change is adequate in size and shape to facilitate
5 those uses normally allowed in conjunction with such zoning;

6 2. The property affected by the proposed Comprehensive
7 Land Use Plan change is properly related to streets and highways,
8 to adequately serve the type of traffic generated by such uses
9 that may be permitted therein;

10 3. The proposed Comprehensive Land Use Plan change
11 will have no adverse effect or only limited adverse effect on
12 any property or the permitted uses thereof within the affected
13 area.

14 4. That the proposed Comprehensive Land Use Plan
15 change is in keeping with land uses and improvements, trends in
16 land development, density of land development, and prospective
17 needs for development in the affected area.

18 5. That the proposed Comprehensive Land Use Plan
19 change is in keeping with any land use plans duly adopted and
20 does, in effect, represent the highest, best and most appropriate
21 use of the land affected.

22 ZONE CHANGE FINDINGS OF FACT FOR THE BOARD OF COUNTY
23 COMMISSIONERS:

24 1. The record before the Board of County Commissioners
25 on September 19, 1978, indicated site for change of zone was
26 located west of Homedale Road and approximately 300 feet north
27 of Bristol, also being approximately 10 acres in size.

28 2. The record before the Board of County Commissioners
indicated site had access onto Homedale Road which is a paved

1 road and is to be widened in the near future in order to handle
2 any possible traffic problems. Letter from Public Works Depart-
3 ment stated that Homedale Road, as of now, could handle traffic
4 from proposed use. There is a signal at Homedale and So. Sixth.

5 3. Testimony from the record indicated applicant had
6 checked on other available properties that were zoned Mobile
7 Home Park and found that one site, being located just west of
8 Madison Street, was priced at \$165,000 for eight acres and
9 therefore applicant felt was priced too high for its size plus
10 there would be additional costs in developing site which is an
11 old sand pit. Applicant also checked on other sites in the South
12 Suburban Area and found they were not for sale.

13 4. The record indicated to the Board of County Com-
14 missioners that site for change of zone was located in an area
15 where there were other mobile homes, manufacturing uses and
16 therefore this type of development would not have an adverse ef-
17 fect on abutting properties.

18 5. Testimony from the record indicated to the Board
19 of County Commissioners that applicant would fence proposed
20 mobile home park.

21 6. The record before the Board of County Commissioners
22 indicated that access for site would be an improved access,
23 plus the access point would be 150 yards from bridge, which is
24 located on Homedale Road, therefore making access point would be
25 adequate and not cause a traffic problem.

26 7. The record before the Board of County Commissioners
27 indicated applicant would provide facilities to site. Facilities
28 would be placed underground, developing the site in order to be

1 in keeping with land improvements as prescribed by Article 112
2 of Ordinance No. 17.

3 8. The record indicated to the Board of County Com-
4 missioners that there was a need for such proposal such as
5 Applicant's Exhibits 7, 8, 9 and 15, being letters. The Applicant
6 also testified regarding need for mobile home spaces especially
7 in the area for double-wides.

8 9. The record before the Board of County Commissioners
9 indicated that Planning Department had notified those property
10 owners within 500 feet and Ordinance No. 17 prescribes only 250
11 feet, plus people for and against gave testimony, therefore
12 meeting LCDC Goal No. 1.

13 10. Testimony before the Planning Commission as well
14 as the Board of County Commissioners indicated that the prop-
15 posed site for change of zone was not an economical farming unit,
16 due to the surrounding uses such as a mixture of mobile homes and
17 housing, therefore addressing LCDC Goal No. 3.

18 11. Testimony before the Board of County Commissioners
19 indicated that site for change of zone did not relate to Goal No.
20 4 of LCDC, that being Forest Lands.

21 12. The record before the Board of County Commissioners
22 indicated that the site for change of zone appeared not to be an
23 area that was scenic or historical or an area for mineral and
24 aggregate resources, thus meaning Goal No. 5 of LCDC was not
25 applicable.

26 13. The record before the Board of County Commissioners
27 indicated that site would be developed where mobile home park
28 will provide a type of housing for all incomes for those with

1 mobile homes. The plan calls for single-wides as well as
2 double-wides to be placed on site, thus addressing Goal No. 10
3 of LCDC, Housing.

4 14. The record before the Board of County Commissioners
5 indicates that applicant received a letter from the City of
6 Klamath Falls indicating that the city could furnish the site
7 with water once plans of development have been submitted to the
8 City of Klamath Falls for their review. Testimony also indicated
9 site could be serviced by electricity, sewer and gas, thus
10 addressing LCDC Goal No. 11, Public Facilities.

11 15. The record before the Board of County Commissioners
12 indicated that site for change of zone appeared to be within an
13 urban growth boundary line which would be established once all
14 land use studies had been completed.

15 CONCLUSIONS OF LAW:

16 1. The property affected by the change of zone is
17 adequate in size and shape to facilitate those uses normally
18 allowed in conjunction with such zoning;

19 2. The property affected by the proposed change of
20 zone is properly related to streets and highways to adequately
21 serve the type of traffic generated by such uses that may be
22 permitted therein;

23 3. The proposed change of zone will have no adverse
24 effect or only limited adverse effect on any property or the
25 permitted uses thereof within the affected area.

26 4. That the proposed change of zone is in keeping
27 with land uses and improvements, trends in land development,
28 density of land development, and prospective needs for develop-

1 ment in the affected area.

2 5. That the proposed change of zone is in keeping
3 with any land use plans duly adopted and does, in effect,
4 represent the highest, best and most appropriate use of the
5 land affected.

6 NOW, THEREFORE, it is hereby ordered that the applica-
7 tion for the Comprehensive Land Use Plan change from Urban
8 Density to Multiple Density and Zone Change from RA (Residential
9 Agriculture) to MPH (Mobile Home Park) for Frank Brown and
10 Sheridan Scott on the subject property is hereby granted.

11 DONE AND DATED THIS 2nd DAY OF November, 1978.

12
13 Rene Kuoronen
14 Chairman

15 Member
16
17 Lloyd Giff
18 Member

19
20 APPROVED AS TO FORM:
21 Boivin, Boivin & Aspell

22 By: Robert Boivin

23 STATE OF OREGON; COUNTY OF KLAMATH; ss.
24 filed for record at request of Klamath County
25 this 7th day of November, A. D. 1978, at 9:12 clock A M., or
26 duly recorded in Vol. M78, of Deeds on Page 25019

27 By: W. D. MILNE, County Clerk
28 Commissioner General

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2 any possible traffic problems. Letter from Public Works Depart-
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20 APPROVED AS TO FORM:
21 Boivin, Boivin & Aspell

22 By: Robert Brown

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24 STATE OF OREGON; COUNTY OF KLAMATH; ss.
25 filed for record at request of Klamath County
26 this 2th day of November, A. D. 1978, at 9:12 clock A M., and
27 duly recorded in Vol. M78, of Deeds on Page 25029

28 By Wm D. MILNE, County Clerk

CLUP & ZC 78-13
BROWN/SCOTT
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No Fee