

BOARD OF COUNTY COMMISSIONERS
KLAMATH COUNTY, OREGON

In the Matter of Appeal for)
Conditional Use Permit 78-19) Klamath County
for Louis Sterk, Applicant) Hearings Officer
FINDINGS OF FACT AND ORDER

A hearing was held in this matter at Klamath Falls, Oregon, on February 6, 1979, pursuant to notice given in conformity with Ordinance No. 35, Klamath County, before the Board of County Commissioners of Klamath County. The applicant was present. The Klamath County Planning Department was represented by Carl Shuck. The recording secretary was Susan Baggett.

Evidence was presented on behalf of the Department and on behalf of the applicant. There were two 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
- Klamath County Exhibit E, a petition
- Applicant's Exhibit 1, Plot Plan

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4406

Applicant's Exhibit 2, Memo to County Commissioners

The hearing was then closed, and based upon the evidence submitted at the hearing, the Board of County Commissioners made the following findings of fact:

FINDINGS OF FACT:

1. The site is not adequate in size and shape--it is only 3400 square feet--it is a half-lot.

2. There are no mobile homes in the immediate vicinity.

3. There is an area nearly adjacent to it that is zoned for mobile home parks.

4. There is a question whether there is adequate parking.

5. Several of the nearby property owners are opposed to the placement of this mobile home.

The Board of Commissioners also voted to incorporate the Findings of Fact made by the Hearings Officer. They are as follows:

1. In addition to the evidence submitted at the hearing, the Hearings Officer viewed the site in order to make more accurate findings.

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

3. The proposed use does not fit in with the neighborhood, as is shown by the fact that there are no mobile homes in this vicinity.

4407

1 4. Although the site has adequate access to the
2 streets, it is questionable whether there is adequate space for
3 parking.

4 5. There was testimony against the approval of this
5 use; several nearby property owners were opposed to the place-
6 ment of a mobile home in their neighborhood.

7 6. There would be adverse affects to abutting pro-
8 perty owners by allowing this use, in that the size of the lot
9 is not adequate for the proposed use and that it would introduce
10 a mobile home into an area where no others are present.

11 The Board of Commissioners, based on the foregoing
12 Findings of Fact, accordingly orders as follows:

13 That real property described as the

14 "parcel of land approximately 2,925
15 square feet in size and generally
16 located on the north side of Darrow
17 Avenue, and south of Pear Street,
18 approximately 450 feet west of the
19 "A" Canal and approximately 1,000
20 feet west of Washburn Way and more
21 particularly described as situated
22 in the east 1/2 of Lot 5, Block 2,
23 Mills Gardens, Tax Lot 2100, Section
24 34, Township 38 South, Range 9,
25 East of the Willamette Meridian,
26 Klamath County, Oregon"

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

4408

on the subject property.

Entered at Klamath Falls, Oregon, this 26th day
of February, 1979.

BOARD OF COMMISSIONERS
KLAMATH COUNTY

Hayden L. Nymore
CHAIRMAN

Alvin A. Chene
COMMISSIONER

Paul L. Loomis
COMMISSIONER

Approved as to Form *John D. Birwin*
Legal Counsel

STATE OF OREGON; COUNTY OF KLAMATH; ss.

I hereby certify that the within instrument was received and filed for record on the 28th day of
February A.D., 19 79 at 9:32 o'clock A M., and duly recorded in Vol. M79
of Deeds on Page 4405.

FEE None

WM. D. MILNE, County Clerk
By *Berntha Schelsch* Deputy

Commissioners Journal