

27228

BEFORE THE HEARINGS OFFICER
KLAMATH COUNTY, OREGON

Vol. 483 Page 14035

1
2 In the Matter of Request for)
3 Conditional Use Permit No. 11-83) Klamath County Planning
4 for George and Audrie Brown, Applicants) Findings of Fact and Order
5)

6 A hearing was held on this matter on July 21, 1983, pursuant
7 to notice given in conformity with Ordinance No. 45.1, Klamath
8 County, before the Klamath County Hearings Officer, Jim Spindor.
9 The applicant was present. The Klamath County Planning Department
10 was represented by Jonathan Chudnoff. The Hearings Reporter was
11 Sharon Cosand.

12 Evidence was presented on behalf of the Department and on
13 behalf of the applicants. There were adjacent property owners
14 present.

15 The following exhibits were offered, received, and made a
16 part of the record:

- 17 Klamath County Exhibit A, Staff Report
18 Klamath County Exhibit B, Plot Plan
19 Klamath County Exhibit C, Topographic Map
20 Klamath County Exhibit D, Assessor's Maps (2)
21 Klamath County Exhibit E, Photos (3)
22 Klamath County Exhibit F, Public Works Department Letter 6-9-83
23 Klamath County Exhibit G, Highway Division Letter 6-9-83
24 Klamath County Exhibit H, City of Klamath Falls Comments
25 Klamath County Exhibit I, Oregon Mobile Home Park Rules
26 Klamath County Exhibit J, Comparison of Standards
27 Klamath County Exhibit K, Public Works Department Letter 7-5-83
28 Klamath County Exhibit L, Topographic Map

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1 Klamath County Exhibit M, Petition

2 Opponents Exhibit 1, Petition

3 Opponents Exhibit 2, Petition

4 Opponents Exhibit 3, Comments from Ingrid Amaya

5 Opponents Exhibit 4, Petition from Cortez Street

6 The hearing was then closed, and based upon the evidence
7 submitted at the hearing, the Hearings Officer made the following
8 Conclusions of Law:

9 CONCLUSIONS OF LAW:

10 1. The proposed use is conditionally permitted within the
11 zone within which it is proposed to be located.

12 2. The location, size, design and operating characteristics
13 of the proposed use are in conformance with the Klamath County
14 Comprehensive Plan, so long as the conditions set forth herein-
15 below are followed.

16 3. The location, size, design and operating characteristics
17 of the proposed use will be compatible with and will not adversely
18 affect the liveability of abutting property owners and the
19 surrounding neighborhood, so long as the conditions set forth
20 hereinbelow are followed.

21 4. The location, design and site planning of the proposed
22 use will provide a convenient and functional living environment
23 and will be as attractive as the nature of the use and its loca-
24 tion and setting warrant, so long as the conditions imposed herein-
25 below are followed.

26 5. The granting of this conditional use permit is consistent
27 with the goals of the LCDC so long as the conditions imposed here-
28 inbelow are followed.

1 6. This conditional use permit is granted subject to the
2 following conditions:

3 CONDITIONS:

4 a. The mobile home park shall be subject to all standards
5 as set by the City of Klamath Falls for mobile home parks, includ-
6 ing but not limited to the development standards in 14.270 of the
7 City's development ordinance #6337, which was attached to Klamath
8 County Exhibit "H" herein and by this reference made a part hereof.

9 b. Sewer and water services for the mobile home park shall
10 be from the City of Klamath Falls..

11 c. Applicant shall prepare a site grading and drainage plan
12 as set forth in Article 72 of the Klamath County Land Developoment
13 Code; said plan shall be designed to prevent harmful effects of
14 storm water run-off and resultant innundation and erosion to
15 neighboring and down-stream properties from drainage problems
16 resulting from this development; said plan shall be submitted to
17 the Klamath County Public Works Department and shall receive their
18 written approval prior to the construction of the park; applicant
19 shall provide a copy of said written approval to the Klamath
20 County Planning Department prior to beginning construction of the
21 park.

22 d. If in spite of the above condition (c), neighboring or
23 down-stream properties are caused drainage problems by the mobile
24 home park, applicant shall take such action as is necessary to
25 stop any such problems and shall follow the direction of the Klamath
26 County Public Works Department and the Klamath County Planning
27 Department in this regard. Should any such problems not be resolved
28 to the satisfaction of the Klamath County Public Works Department

1 and the Klamath County Planning Department, permission for this
2 conditional use permit shall immediately cease.

3 e. Applicant shall have at least one road providing access
4 from the mobile home park onto Highway 140; applicant shall obtain
5 written permission from the Oregon State Highway Division for said
6 access and shall provide a copy to the Klamath County Planning
7 Department prior to beginning construction of the park.

8 f. Applicant shall not allow access from the mobile home
9 park onto Butte Street until such time as he has improved that
10 portion which is not now paved to the satisfaction of the Klamath
11 County Public Works Department.

12 g. Applicant shall not allow access from the mobile home
13 park onto Emerald Street until such time as it is paved and dedi-
14 cated as a public road and until applicant has obtained the
15 written permission of the Klamath County Public Works Department.

16 h. Applicant shall follow the plot plan as set forth in
17 Klamath County Exhibit "C" except as otherwise required by the
18 conditions herein.

19 i. There shall be no RV parking on the site, except by the
20 persons residing permanently at the site.

21 j. The mobile home park shall provide only permanent resi-
22 dences, and shall not provide for day or short term use (less
23 than 30 days).

24 k. Applicant shall provide refuse containers or garbage
25 pickup from the site.

26 FINDINGS OF FACT:

27 The requested use has been granted with conditions based on
28 the following findings of fact:

1 1. The request is for a conditional use permit for a 167
2 space mobile home park which is located in the Suburban Residential
3 zone. The property lies north of Stewart-Lenox and west of
4 Highway 140; it is approximately $\frac{1}{4}$ mile by $\frac{1}{4}$ mile and somewhat
5 triangular in shape; it slopes downward towards the southwest.
6 The property consists of grass and brush covered hills.

7 2. The applicant stated he intends to have both water and
8 sewer provided by the City of Klamath Falls.

9 3. Since annexation may be required by the City of Klamath
10 Falls as a condition for providing water and sewer service, the
11 City has requested that the park be built to City standards; the
12 applicant testified that this would be no problem for him.

13 4. Two public hearings were held with regard to this matter,
14 the second being after the Hearings Officer had viewed the property.
15 Prior to the first hearing, notice was sent to surrounding property
16 owners, concerned public agencies, and published in the Herald and
17 News. At the hearings, there was substantial testimony by both
18 proponents and opponents.

19 5. About $\frac{2}{3}$ of the property is in SCS Class VII, with most
20 of the rest being Class VI. Such soils are considered marginal
21 for agricultural with seasonal grazing being the only farm use
22 possible for this property. The property is not irrigated and the
23 slope of the land would make irrigation difficult.

24 6. The property has no timber productivity rating and no
25 timber is growing on the property.

26 7. There are no inventoried scenic, historic, natural or
27 wildlife resources on or adjacent to the property involved. The
28 slope of the property and the generally low-rise nature of the

1 proposed development would minimize effects on the view.

2 8. The property is within the Klamath Disposal Company's
3 waste collection franchise area. The developer is required to
4 provide refuse containers in order to use the Company's services.

5 9. The property has two drainageways on it, channelling
6 run-off from the hills to the east across the property to the
7 west and southwest. The streets and buildings to the mobile home
8 park would reduce the property's capacity to absorb water and
9 possibly increase run-off onto the adjacent property. Therefore,
10 the Klamath County Public Works Department and the Klamath County
11 Planning Department have suggested that the applicant should work
12 with the County Engineer to prepare a site grading and drainage
13 plan as required by Article 72 of the Land Development Code. The
14 applicant has stated that he has no objection to complying with
15 such a request.

16 10. The applicant indicates that a clubhouse will be pro-
17 vided on the property to meet recreational needs of the mobile
18 home park members.

19 11. The mobile home park would provide employment and
20 income during its design and construction. Also, there would be
21 some increase in shopping at neighborhood stores along Greensprings
22 Highway. The nearest full shopping and service area is downtown
23 Klamath Falls, approximately three miles away.

24 12. The property is within two miles of major employers
25 Weyerhaeuser, Columbia Plywood and DG Shelter Products. The
26 nearest existing mobile home parks are three on Greensprings
27 Drive, about a mile and a half to the east. As of June 29, 1983,
28 each of these mobile home parks were nearly full to capacity.

1 13. At the present time Emerald Street, adjacent to the
2 west boundary of the proposed development is a private road and
3 is not improved. The Klamath County Public Works Department
4 suggests that no use of Emerald Street be made until it has been
5 paved and dedicated as a public road.

6 14. Butte Street, which is adjacent to the proposed
7 development, is not improved, and the Klamath County Public Works
8 Department suggests that if Butte Street is allowed to be utilized
9 by the development, that the applicant should be required to first
10 improve that portion of Butte Street which is not paved.

11 15. The mobile home park would conserve energy by developing
12 land where utilities and streets are available and which is close
13 to major employment, services, and commercial centers.

14 16. The property is within the Klamath Falls Urban Growth
15 Boundary.

16 17. The Oregon State Highway Division has stated that if
17 there is to be access to Highway 140 from the mobile home park,
18 that their approval for such access will be required.

19 18. The main objection voiced by adjoining property owners
20 were the increased traffic which the mobile home park would bring
21 with resultant danger to children, as well as the loss of privacy
22 to existing property owners.

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

25 That real property described as:

26 "being generally located north of Stewart Addition
27 and west of Highway 140, and more particularly described
28 as that portion of the NE $\frac{1}{4}$, NW $\frac{1}{4}$ of Section 7, Township
39, Range 9 lying west of Highway 140, Klamath County,
Oregon,"

14042

1 is hereby granted a Conditional Use Permit in accordance with the
2 terms of the Klamath County Zoning Ordinance No. 45.1, and, hence-
3 forth, will be allowed a mobile home park with conditions stated
4 hereinabove in the RS (Suburban Residential) zone.

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6 Entered at Klamath Falls, Oregon, this 19th Day of
7 August, 1983.
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KLAMATH COUNTY HEARINGS DIVISION

Bob Spindor

Hearings Officer

STATE OF OREGON,)
County of Klamath)

Filed for record at request of

on this 19 day of August A.D. 19 83
at 4:20 o'clock P M, and duly
recorded in Vol. M83 of DEEDS
age 14035

EVELYN BIEHN County Clerk

By [Signature] Deputy
Fee no fee