

1 In the Matter of Request for)
2 Conditional Use Permit No. 3-84) Klamath County Planning
3 for John W. Faulkner, Applicant) Findings of Fact and Order
4)

5 A hearing was held on this matter on February 16, 1984,
6 pursuant to notice given in conformity with Ordinance No. 45.1,
7 Klamath County, before the Klamath County Hearings Officer,
8 Jim Spindor. The applicant was present. The Klamath County
9 Planning Department was represented by Jonathan Chudnoff. The
10 Hearings Reporter was Karen Alberto.

11 Evidence was presented on behalf of the Department and on
12 behalf of the applicant. There were no adjacent property owners
13 present.

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

16 Klamath County Exhibit A, Staff Report
17 Klamath County Exhibit B, Plot Plan
18 Klamath County Exhibit C, Assessor's Map
19 Klamath County Exhibit D, Photo
20 Klamath County Exhibit E, Public Works Department Letter

21 The hearing was then closed, and based upon the evidence
22 submitted at the hearing, the Hearings Officer made the following
23 Conclusions of Law:

24 CONCLUSIONS OF LAW:

25 1. The proposed use is conditionally permitted in the zone
26 within which it is proposed to be located.

27 2. The location, size, design and operating characteristics
28 of the proposed use are in conformance with the Klamath County

84 FEB 27 PM 4 20

1 Comprehensive Plan.

2 3. The location, size, design and operating characteristics
3 of the proposed use will be compatible with and will not adversely
4 affect the liveability of abutting property owners in the surround-
5 ing neighborhood.

6 4. The location, design and site planning of the proposed
7 use will provide a convenient and functional living environment
8 and will be as attractive as the nature of the use and its loca-
9 tion and setting warrant.

10 5. The granting of this Conditional Use Permit is consistent
11 with the goals of the LCDC.

12 6. This Conditional Use Permit is granted subject to the
13 following conditions:

14 CONDITIONS:

15 a. Applicant shall obtain a driveway permit from the Klamath
16 County Public Works Department and shall cut the curb and replace
17 it to the specification of the Klamath County Public Works
18 Department in installing the required driveway. Further, the
19 applicant shall provide written proof to the Klamath County
20 Planning Department that he has complied with this condition.

21 b. The mobile home in question shall be limited to occupancy
22 by family members.

23 c. The applicant shall place and landscape the mobile home
24 so that it fits into the surrounding neighborhood.

25 FINDINGS OF FACT:

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

28 1. The applicant makes this request to allow a mobile home

1 for residential use by a family member. The zone in question is
2 Suburban Residential. The property in question is rectangular
3 in shape, being 85.6 feet by 169.6 feet.

4 2. There is a single-wide mobile home on Tax Lot 5401,
5 south of the Faulkner property. The rest of the neighborhood
6 is developed with single-family houses.

7 3. The property is within the Klamath Disposal Company's
8 solid waste collection franchise area served by the County land-
9 fill on Old Fort Road. The property is served by the South
10 Suburban Sanitary District.

11 4. No one testified in opposition to the granting of the
12 Conditional Use Permit, and there was no evidence presented that
13 there would be any detrimental affect to the public health,
14 safety or welfare, or any detrimental affect on any abutting
15 property owners, so long as the above conditions are complied with.

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

18 That real property described as

19 "being generally located on the southwest corner of
20 Barry Avenue and Summers Lane, and more particularly
21 described as Tax Lot 2400, located in the SE $\frac{1}{4}$, SE $\frac{1}{4}$
of Section 10, Township 39, Range 9, Klamath County,
Oregon,"

22 is hereby granted a Conditional Use Permit in accordance with
23 the terms of the Klamath County Zoning Ordinance No. 45.1, and,
24 henceforth, will be allowed a mobile home for a family member in
25 the RS (Suburban Residential) zone.

26 Entered at Klamath Falls, Oregon, this 27th Day of February,
27 1984.

KLAMATH COUNTY HEARINGS DIVISION

Return: Commissioners Journal

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Hearings Officer

STATE OF OREGON: COUNTY OF KLAMATH:ss
I hereby certify that the within instrument was received and filed for
record on the 27th day of February A.D., 1984 at 4:20 o'clock P. M.
and duly recorded in Vol. 484, of Deeds on page 1100.

Fee \$None

EVELYN BIEHN, COUNTY CLERK

by *Pam Smith* Deputy