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2 In the Matter of Request for)
3 Conditional Use Permit No. 4-84) Klamath County Planning
4 for Donald W. Morris, Applicant) Findings of Fact and Order
5)

6 A hearing was held on this matter on February 16, 1984, and
7 continued to a hearing on March 1, 1984, pursuant to notice given
8 in conformity with Ordinance No. 45.1, Klamath County, before the
9 Klamath County Hearings Officer, Jim Spindor. The applicant was
10 present. The Klamath County Planning Department was represented
11 by Jonathan Chudnoff. The Hearings Reporter was Karen Alberto.

12 Evidence was presented on behalf of the Department and on
13 behalf of the applicant. There were no 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, Assessor's Map
20 Klamath County Exhibit D, Mobile Home Diagram
21 Klamath County Exhibit E, Letter from Mr. and Mrs. Monske
22 Klamath County Exhibit F, Letter from Public Works Director
23 and attached Plat Map.
24 Klamath County Exhibit G, Photos
25 Klamath County Exhibit H, Response from Mr. and Mrs. Alston
26 Klamath County Exhibit I, Declaration of Conditions and
27 Restrictions
28 Klamath County Exhibit J, Letter from W. Plaisted

11 AM 13 MAR 1984

1 Klamath County Exhibit K, Letter from Elizabeth Stephens et al
 2 The hearing was then closed, and based upon the evidence
 3 submitted at the hearing, the Hearings Officer made the following
 4 Conclusions of Law:

5 CONCLUSIONS OF LAW:

- 6 1. The proposed use is conditionally permitted in the zone
 7 within which it is proposed to be located.
- 8 2. The location, size, design and operating characteristics
 9 of the proposed use are not in conformance with the Klamath County
 10 Comprehensive Plan.
- 11 3. The location, size, design and operating characteristics
 12 of the proposed use will not be compatible with the abutting prop-
 13 erty owners and the surrounding neighborhood.
- 14 4. The location, design and site planning of the proposed
 15 use will not provide a convenient and functional living environment
 16 and will not be as attractive as the nature of the use and its
 17 location and setting warrant.

18 FINDINGS OF FACT:

19 The requested use has been denied based on the following
 20 findings of fact:

- 21 1. The requested conditional use permit is to allow a mobile
 22 home for use by a family member. The mobile home would be located
 23 behind the house at 4407 Onyx Avenue, and would be for the use of
 24 Mrs. Morris' elderly mother.
- 25 2. The property is 90' x 128.7' and rectangular in shape,
 26 being approximately .27 acres. The property is zoned Suburban
 27 Residential.
- 28 3. The block in question is developed entirely with single

1 family houses and this would be the first mobile home. Because
2 the house stretches across most of the lot, the mobile home would
3 not be visible from the street. Solid board fences and trees
4 would make this small mobile home unobtrusive to the adjacent lots
5 east and west of the Morris property. (See Exhibit "G")

6 4. The Public Works Director has submitted a copy of the
7 original plat of Summers Lane homes and pointed out that there
8 is a restriction of "one residential building per lot." A copy
9 of this restriction is contained in Exhibit "F."

10 5. Further, Exhibit "I" is a copy of a "Declaration of
11 Conditions and Restrictions" which is on file with the Klamath
12 County Clerk and which states on page 1, lines 20-22:

13 "No building shall be erected, altered, placed or
14 permitted to remain on any lot other than one detached
15 single family dwelling not to exceed two and one half
16 stories in height and a private garage for not more
17 than two cars."

18 6. Placement of a mobile home in an area which has been
19 designated for none, and which in fact has none, would not be
20 compatible with the surrounding neighborhood.

21 7. Objections were raised by several persons in the surround-
22 ing neighborhood, stating that there were no mobile homes in the
23 area, and that they objected to putting the mobile home on this
24 property because it would change the nature of the neighborhood
25 and would violate the above mentioned restrictive conditions which
26 apply to this property.

27 8. The applicant admitted that he was made aware of the
28 above mentioned restrictive conditions which applied to this
property at the time he purchased the property.

The Hearings Officer, based on the foregoing Findings of

1 Fact, accordingly orders as follows:

2 That real property described as

3 "being generally located on the north side of Onyx
4 Avenue, east of Summers Lane, and more particularly
5 described as Lot 8 of Summers Lane Homes, Klamath
County, Oregon,"

6 is hereby denied a Conditional Use Permit in accordance with the
7 terms of the Klamath County Zoning Ordinance No. 45.1, and, hence-
8 forth, will not be allowed a mobile home for a family member in
9 the Suburban Residential (RS) zone.

10 Entered at Klamath Falls, Oregon, this 12th Day of March,
11 1984.

12
13
14 KLAMATH COUNTY HEARINGS DIVISION

15 *D. Sprick*

16 Hearings Officer

17
18
19 STATE OF OREGON,)
County of Klamath)

20 Filed for record at request of

21
22 on this 13 day of March A.D. 19 84
23 at 10:11 o'clock A M, and duly
24 recorded in Vol. M84 of Deeds
25 Page 4008

26 EVELYN BIEHN, County Clerk

27 By *Pam Smith*, Deputy

28 Fee None

Return: Commissioners Journal