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BEFORE THE HEARINGS OFFICER
FOR KLAMATH COUNTY, OREGON

In the Matter of a Request for)
CONDITIONAL USE PERMIT)

C. U. P. 18-85

for)

FINDINGS OF FACT, CONCLUSIONS
OF LAW AND DECISION

RANDALL DAVID SIGMUND)
_____)

THIS MATTER CAME ON for hearing before the Assistant
Hearings Officer for Klamath County, JAMES R. UERLINGS, on
the 4th day of April, 1985, at 1:30 p.m. in the Klamath
County Commissioners Hearing Room. The hearing was held
pursuant to notice given in conformity with the Klamath County
Development Code and related ordinances. The applicant,
RANDALL DAVID SIGMUND, appeared in person and the Planning
Department was represented by JONATHAN CHUDNOFF.

The following exhibits were marked, entered and
received into evidence, and made a part of the record:
Exhibits "A" through "D".

The Assistant Hearings Officer, after reviewing
the evidence presented, makes the following findings of
fact, conclusions of law and decision.

FINDINGS OF FACT:

1. The applicant is proposing to place a mobile
home upon the property owned by Clyde and Jean Freed, located
at 1620 Frontage Road, described as Tax Lot 1500, located
in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 5, Township 39, Range 9, Klamath

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County, Oregon.

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2. The plan designation of the property is Urban, the zone designation is RL and the adjacent and/or surrounding zoning is RL.

3. The property's physical characteristics are as follows: acreage, .59 acres in a wedge shape; vegetation consists of brush and grass; topography is a hill gradually rising to the West; general drainage consists of surface runoff in a southeasterly direction.

4. Access to the property is off of Frontage Road, a Klamath County road.

5. Public services and facilities serving the property consist of School District No. 1, recreation by urban area parks and schools, sewer by septic system and water by the City of Klamath Falls.

6. Utility districts serving the property are Pacific Power and Light and Pacific Northwest Bell. The fire district serving the property is Stewart-Lenox.

7. The applicant is requesting this conditional use permit to allow a mobile home in an RL zone. The property is on Frontage Road, adjacent to Highway 97 in the Riverside Drive area. Most recently established homes in the area have been mobile homes. The proposed home is 28' x 60' and meets the requirements for mobile homes in the Klamath Falls urban area.

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KLAMATH COUNTY DEVELOPMENT CODE CRITERIA:

1. Klamath County Development Code Section 44.003 sets forth the criteria for consideration in the application of a conditional use permit:

A. That the use is conditionally permitted in the zone in which it is proposed.

B. That the location, size, design and operating characteristics of the proposed uses is in conformance with the Klamath County Comprehensive Plan.

C. That the location, size, design and operating characteristics of the proposed development will be compatible with, and will not adversely effect, the livability or appropriate development of abutting properties in the surrounding neighborhood. Consideration shall be given to the harmony in scale, bulk, and utilities; to harmful effects, if any, upon the desirable neighborhood character; to the generation of traffic and the capacity of surrounding streets and to other relevant impact of development

KLAMATH COUNTY DEVELOPMENT CODE FINDINGS AND CONCLUSIONS:

1. The proposed use is conditionally permitted in the zone in which it is proposed.

2. The location, size, design and operating characteristics of the proposed use will be compatible with, and will not adversely effect, the livability and/or appropriate development of abutting properties in the surrounding neighborhood. In considering the location and operating

FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION

1 characteristics of the proposed development, it appears that
2 they will be compatible with, and will not have a significant
3 adverse effect on, the abutting properties in the surrounding
4 neighborhood.

5 STATE-WIDE PLANNING GOALS AND REVIEW CRITERIA:

6 Compliance with the State-wide Planning Goals and
7 review criteria was met by Klamath County on the subject prop-
8 erty at the time of the acknowledgement of Klamath County's
9 Comprehensive Plan.

10 CONCLUSIONS OF LAW AND DECISION:

11 1. This request for a conditional use permit on
12 the subject property meets all applicable Klamath County
13 Development Code criteria and policies governing such, with
14 the inclusion of the conditions added herein.

15 2. The following conditions are added to the
16 granting of this conditional use permit as they are deemed
17 to be necessary to protect the health, safety and welfare
18 of the citizens of Klamath County:

19 A. That the applicant follow the plot plan; and,

20 B. Should the mobile home be removed from this
21 site in the future, a new conditional use permit would be
22 required for the placing of a new mobile home there.

23 3. This request for a conditional use permit
24 is consistent with, and complies with, all applicable State-
25 wide Planning Goals and review criteria and the Klamath County
26 Comprehensive Plan, subject to the conditions as set forth above.

FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION

1 THEREFORE, it is hereby ordered that this request
 2 for a conditional use permit on the subject property herein
 3 described is granted, subject to the above conditions.

4 DATED this 15 day of April, 1985.

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 6 
 7 JAMES R. UERLINGS

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 11
 12 STATE OF OREGON,
 13 County of Klamath
 14 Filed for record at request of

15 on this 19th day of April A.D. 1985
 16 at 11:43 o'clock A. M. and duly
 17 recorded in Vol. 885 of Deeds
 18 Page 5679

19 ERIN M. BERN, County Clerk
 20 
 21 None

22 *Ret: Commissioners*
 23 *Journal*

24
 25 FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION
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