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BEFORE THE HEARINGS OFFICER

KLAMATH COUNTY, OREGON

In the Matter of Request for)

Conditional Use Permit 2-86)

for Ralph L. Moore)

Klamath County Planning

Findings of Fact and Order

A hearing was held on this matter on February 6, 1986, pursuant to notice given in conformity with Ordinance No. 45.2, Klamath County, before the Klamath County Hearings Officer, Brad Aspell. The applicant was present. The Klamath County Planning Department was represented by Kim Lundahl. The Hearings Reporter was Janet Libercajt.

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

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

Klamath County Exhibit A, Staff Report

Klamath County Exhibit B, Plot Plan

Klamath County Exhibit C, Assessor's Map

The hearing was then closed, and based upon the evidence submitted at the hearing, the Hearings Officer made the following Findings of Fact:

FINDINGS OF FACT:

1. Applicant is the owner of certain real property known as Lot 3, Block 1, Pinney's Acres situate in Section 36, Township 24 South, Range 8 East Willamette Meridian, Klamath County, Oregon, Tax Account No. 2408-3644-1100. The property is located

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1 on the north side of Pinney Street, approximately 750 feet east
2 of U.S. Highway 97, immediately south of Crescent. It is
3 rectangular in shape with the dimensions of 150 feet by 298 feet
4 and consists of approximately 1.03 acres. The property is
5 designated Rural under the Klamath County Comprehensive Plan
6 and carries a zone designation of R-1 (Rural, 1 acre). The
7 property slopes gently from the north to the south and presently
8 has a circular driveway, a 14 foot by 70 foot mobile home and a
9 72 foot by 60 foot mobile home situate on the property.

10 Vegetation consists of native shrubs and trees and access is
11 gained from Pinney Street, a cinder road. The soils have a
12 SCS classification of VI. The property has a timbersite
13 productivity rating of VI. Pinney's Acres is a subdivision con-
14 sisting of wooded rural, one acre homesites, typical of North
15 County. The property is totally surrounded by improved home-
16 sites primarily single and double wide mobile homes and one
17 conventional in-ground home.

18 2. The applicant seeks a Conditional Use Permit under the
19 Klamath County Land Development Code, Section 51.004C(1) and
20 Section 44.003, to permit placement of an additional mobile home
21 on the subject property to permit applicant's parents on the
22 property.

23 3. Access to the property is by circular driveway off
24 Pinney Street, a cindered road within the subdivision. The
25 location of the existing mobile home, its setback from the
26 property line and the placement of the additional mobile home is
27 shown in Exhibit "B". Water is obtained through the Crescent
28 Community Water District, sewage disposal shall be from

1 individual subsurface systems approved by the Department of
2 Environmental Quality, electricity is provided by Mid-State
3 Electric Cooperative, Inc., and fire protection from Crescent
4 Rural Fire Protection District. The property lies within the
5 attendance area of the Gilchrist School District.

6 4. The second mobile home was placed on the subject
7 property under Temporary Use Permit 2-83, which expired in May
8 of 1985. Subsequently, the zoning of the subject property has
9 been changed from RCR to R-1.

10 5. An additional mobile home is permitted in the R-1 zone
11 under Section 51.004(3)(c). The applicable Review Criteria is
12 found in Section 44.003, requiring three findings:

13 A. That the use is conditionally permitted in the
14 zone in which it is proposed to be located. This criteria
15 has been met.

16 B. That location, size, design, and operating charac-
17 teristics of the proposed use are in conformance with the
18 Klamath County Comprehensive Plan. The Hearings Officer
19 finds that this criteria has been met based upon the
20 discussion in the following paragraph.

21 C. The location, size, design and operating charac-
22 teristics will be compatible with and will not have signif-
23 icant adverse effects on the appropriate development and
24 use of abutting properties in the surrounding neighborhoods.
25 The Hearings Officer finds due to lack of negative input or
26 comment that the mobile home has been in place on the sub-
27 ject property under a temporary permit for approximately
28 three years, that the existing placement and proposed

1 continued use is compatible with and does not have significant
2 adverse effects on the surrounding properties.

3 6. The Hearings Officer makes the following findings as to
4 the relevant Klamath County Goals and Land Use Policies:

5 Goal 1 (Citizen Involvement) has been met. Notice has been
6 mailed to adjoining property owners, given to relevant public
7 agencies and published in the Herald & News, and a hearing
8 convened to hear the application.

9 Goal 2 (Land Use Planning) The property is within the rural
10 community of Crescent and is designated in the Comprehensive
11 Plan and zone for residential use. Placement of a second mobile
12 home is permitted under the applicable zone, and would meet all
13 setbacks and comply with the Land Development Code without
14 variance.

15 Goal 3 (Agricultural Lands), Goal 4 (Forest Lands), Goal 5
16 (Open Spaces, Scenic, Historic & Natural Resources Areas), Goal 6
17 (Air, Water and Land Resource Quality), Goal 7 (Natural Disaster
18 and Hazards), Goal 8 (Recreation Needs) and Goal 9 (County
19 Economy) are not applicable.

20 Goal 10 (Housing) would be met in that it would permit
21 additional single family housing at moderate additional cost and
22 provide housing for a segment of society, senior adults.
23 Existing housing in the area consists of a mixture of in-ground
24 homes and mobile homes and would be consistent with existing
25 housing development.

26 Goal 11 (Public Facilities and Services) Water, elec-
27 tricity, telephone, water service and fire protection are
28 available to the subject property. In addition the property is

1 located within the attendance area of Gilchrist School District
2 and within the proposed expansion of the Crescent Sanitary
3 District, which is planning a community sewer system.

4 Goal 12 (Transportation) does not apply.

5 Goal 13 (Energy Conservation) has been met as the intended
6 use of the property would permit extended family to live in
7 close proximity minimizing the need of the vehicular travel.

8 Goal 14 (Urbanization) does not apply.

9 6. The Hearings Officer does find, however, the imposition
10 of certain conditions on approval of this application are
11 indicated under Section 44.004(F). Specifically, the Hearings
12 Officer finds that the community is a single family residential
13 community in which one home is located on each parcel of land;
14 of which all parcels are slightly more than one acre each. The
15 Hearings Officer further finds that the placement of two or more
16 mobile homes on parcels of land within the subdivision for
17 purposes other than presented here -- the housing of retired
18 adults -- would not be consistent with the land use patterns and
19 trends, and hence issues the following conditions meant to assure
20 the granting this application does not create a precedent
21 whereby land use planning patterns and development trends are
22 altered by this approval.

23 A. That the approval herein shall expire on the first
24 to occur of any of the following circumstances:

25 1) Upon the sale, lease or other transfer by
26 applicant of his interest in the subject real property;

27 2) Upon applicant's parents vacating the subject
28 property on other than a temporary basis;

1 3) Upon the removal of the second mobile home from
2 the subject property;

3 4) Upon the expiration of 10 years from the date
4 of this Order.

5 The Hearings Officer based on the foregoing, makes the
6 following Conclusions of Law:

7 CONCLUSIONS OF LAW:

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

10 2. Location, design, size and operating characteristics of
11 the proposed use are in conformance with the Klamath County
12 Comprehensive Land Use Plan.

13 3. Location, size, design and operating characteristics of
14 the proposed use will be compatible with and will not have
15 significant adverse effects on the appropriate development and
16 use of abutting property of the surrounding area.

17 4. The granting of this Conditional Use Permit is con-
18 sistent with the goals of the Land Conservation and Development
19 Commission.

20 5. The granting of this Conditional Use Permit is subject
21 to the following conditions:

22 a) Upon the sale, lease or other transfer by applicant
23 of his interest in the subject real property;

24 b) Upon applicant's parents vacating the subject
25 property on other than a temporary basis;

26 c) Upon the removal of the second mobile home from the
27 subject property;

28 d) Upon the expiration of 10 years from the date of

1 this Order.

2 The Hearings Officer, based on the foregoing, accordingly
3 orders as follows:

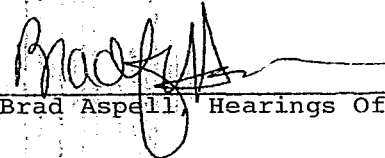
4 That real property described as

5 "Being generally located north of Pinney Street 700± feet
6 east of U.S. Highway 97, Crescent area, and more
7 particularly described as Lot 3, Block 1, Pinney's Acres,
Klamath County, Oregon,"

8 is hereby conditionally granted a Conditional Use Permit in
9 accordance with the terms of the Klamath County Zoning Ordinance
10 No. 45.2, and, henceforth, will be allowed an additional mobile
11 home in the R-1 zone.


12 Entered at Klamath Falls, Oregon, this 23 Day of
13 April, 1986.

14 KLAMATH COUNTY HEARINGS DIVISION

15 
16 Brad Aspell, Hearings Officer

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STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of _____ the 28th day
of April A.D., 19 86 at 2:05 o'clock P M., and duly recorded in Vol. M86
of _____ of Deeds on Page 7224

Evelyn Biehn, County Clerk
By 

FEE NONE

Return: Commissioner's Journal