

BEFORE THE HEARINGS OFFICER OF Klamath County, Oregon

In the matter of the Application for Conditional Use Permit for GEORGE H. WARRING.	)))))	CUP No. 12-87 FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION
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This matter came before William H. Gunning, Hearings Officer, Klamath County, Oregon on May 7, 1987 in the Klamath County Commissioners' Hearing Room. The hearing was held pursuant to notice given in conformity with the Klamath County Land Development Code and related ordinances. George H. Warring, the applicant, was present and represented himself at the hearing. Klamath County Planning Department was represented by Tim Landfall and the recording secretary was Janet Alderday. The Klamath County Planning Department file and all contacts thereof were incorporated in the record as evidence. The County Hearings Officer, after reviewing the evidence makes the following Findings of Fact, Conclusions of Law and Decision:

FINDINGS OF FACT:

1. The applicant has applied for a Conditional Use Permit to site a second mobile home on property zoned R-1. The subject property is located south of Lane, Oregon. It is approximately 4.5 acres in size and is in Lot 2, Block 6, Whispering Pines Subdivision, Klamath County, Oregon.
2. The Hearings Officer viewed the subject property with the Planning Department Staff on May 4, 1987.
3. The applicant intends to place a large double wide mobile home on the subject property. Already located on the subject property is a single wide mobile home which is 12 feet by 33 feet in size. The applicant intends to use the new mobile home as his primary residence and to rent the single wide mobile home initially to his son.

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4. The Findings of Fact contained in the Elmore County Staff Report are hereby adopted and incorporated herein by this reference.

ELMORE COUNTY LAND DEVELOPMENT CODE CRITERIA:

The Land Development Code Section 11.003 (C) (5) allows "an additional mobile home" as a conditional use in the R-5 zone. Code Section 11.003 sets forth the criteria for granting a Conditional Use Permit. Article 11.001 C provides:

"Residential Density - a maximum of one (1) mobile home shall be placed on each lot. Mobile homes shall be placed on lots or parcels in accordance with the density requirements of the zone in which they are located, in accordance with Chapter 5 of this code."

ELMORE COUNTY GOALS AND POLICY COMPLIANCE:

The Goals and Policy Findings of the Elmore County Planning Department Staff Report are hereby adopted and incorporated herein by this reference.

ELMORE COUNTY CODE FINDINGS AND CONCLUSIONS:

1. Section 11.003 sets forth the permitted uses and conditional uses allowed in the R-5 zone. Subparagraph B. Permitted Uses, allows an individual mobile home. Subparagraph C. Conditional Uses, allows an additional mobile home as a Conditional Use. The provisions of said code sections appear to conflict with the provisions of Section 11.001 (C) which states that only one mobile home will be allowed per lot. The Hearings Officer takes notice that Elmore County has granted Conditional Use Permits in prior cases for siting an additional mobile home on a lot which already contained one mobile home. Reference is made to Conditional Use Permit 11-86 for Jerry Jettarius and to Conditional Use Permit 2-86 for Ralph L. Moore. In both instances, the County Hearings Officer granted a Conditional Use Permit to place an additional mobile home on a lot which already contained one mobile home. The Hearings Officer finds that the apparent conflict between the provisions of Code Section 11.003

which appears to allow two mobile homes on the same lot and Section 16.011 which appears to allow but one mobile home per lot has been resolved by allowing two mobile homes per lot where the second mobile home complies with the Conditional Use Permit Criteria. Therefore, the Hearings Officer finds that the siting of a second mobile home on the subject lot is conditionally permitted in the D-5 Zone.

B. The area in which the subject property is located is an area of relatively large rural residential lots. The predominant lot size in the Whispering Pines Subdivision is approximately five acres. The Hearings Officer observed that there are a number of mobile homes in the Whispering Pines Subdivision including all of the homes that are visible from the subject property. The Hearings Officer observed two mobile homes on the lot directly north of the subject property. The applicant dug two test holes in the subject property for a septic tank and drain field for the proposed mobile home. There was no standing water in either of the test holes at the time the Hearings Officer was on the subject property. The Hearings Officer finds that the location, size, design and operating characteristics of the proposed second mobile home on the subject lot are in conformance with the Elmore County Comprehensive Plan.

C. The Hearings Officer, for reasons set forth above, finds that the location, size, design and operating characteristics of the proposed additional mobile home will be compatible with and have no significant adverse effect on the abutting properties and surrounding neighborhoods as long as the applicant complies with the requirements of the Elmore County Department of Health Services at the time the septic system for the new mobile home is constructed, and so long as the applicant complies with the other Land Development Code

criteria and other ordinances and state laws concerning the development of the subject property.

CONTINUATION OF USE AND ZONING

The subject application for a Conditional Use Permit to site an additional mobile home on the above described property is granted, provided however, that the applicant shall comply with all requirements of the Elmore County Department of Health Services concerning the installation of the septic system for the property, and with all other land development code requirements, building code requirements, and other county ordinances and state laws concerning the development of the subject property.

DATED this 2nd day of May, 1987.

William H. Garry
William H. Garry
Planning Officer

Conformance with Relevant Klamath County Policies:

Goal 1 - Citizen Involvement:

The County shall provide for continued citizen involvement opportunities after plan implementation.

Notice of this hearing has been sent to affected agencies, adjacent property owners, published in the Herald & News, and posted in public places.

Goal 2 - Land Use Planning:

This hearing is set to implement Land Development Code Section 51.024(3) (5).

Goal 4 - Forest Lands:

To encourage conservation of forest lands in Klamath County for forest uses.

The property is classed VI for forest production, a poor rating. Addition of a second residence to the property will not adversely impact forest resources in Klamath County.

Goal 6 - Air, Water, and Land Resource Quality:

To maintain and improve the quality of the air, water, and land resources of Klamath County.

Adherence to Department of Environmental Quality standards will negate adverse environmental impacts.

Goals 3, 5, and 7 through 14 do not apply to this application.

Agencies/Parties Notified/Response:

Health Services - See Memorandum dated April 24, 1987.

Public Works - No Response

Dept. of Fish & Wildlife - No Response

Klamath National Forest - No Response

Keno Rural Fire Protection District - No Response

Two Affected Property Owners - No Response

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Planning Department Considerations and Recommendations:

Conditional Use Permit 12-87 is an application to place a second mobile home on 4.38 acres south of Lane.

This request can be conditionally permitted per Land Development Code Section 51.003(C)(5).

The area, Whispering Pines, is divided into several 5 acre properties. Field investigation indicates several parcels in the immediate area already have dual residences.

The area is extensively wooded and the additional mobile home would be screened from adjacent properties and from Lane Springs Road.

The mobile home to be placed is 28 feet by 66 feet or 1,848 square feet. A residence of this size will complement the area.

Staff recommends the Hearings Officer approve the conditional use permit based on the review criteria outlined on the attached yellow sheet as set out in Land Development Code Section 44.002.

STATE OF OREGON: COUNTY OF CLATSOP

This is a report of Clatsop County Planning Department to AD. 9 37 at 2:34 on 12/12 of 1987 and duly recorded in Vol. 1212 of Books on Page 6212.

By Debra Klein, County Clerk

For Clatsop County

Notary Public