

BEFORE THE HEARINGS OFFICER OF KLAMATH COUNTY, OREGON

In the Matter of the Request)	C.U.P. 28-87
for a Conditional Use Permit)	Variance No. 13-87
and a Variance for)	FINDINGS OF FACT, CONCLUSION
RONALD DOWELL.)	OF LAW AND DECISION

This matter came before William M. Ganong, Hearings Officer of Klamath County, Oregon on July 16, 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. Ronald Dowell was present and represented himself at the Hearing. The Klamath County Planning Department was represented by Mr. Carl Shuck and the Recording Secretary was Karen Burg. The Klamath County Planning Department file and all contents thereof were incorporated in the record as evidence. The County Hearings Officer, after reviewing the evidence presented, 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 allow a mobile home in the RL-Low Density Residential Zone. In addition, the applicant has applied for a Variance from the mobile home standards of the Klamath County Land Development Code to allow him to site a mobile home which is less than 20 feet wide and has less than 800 square feet within the Klamath Falls Urban Growth boundary. The subject property is located on Laurel Street in the Riverside area of Klamath County and is more particularly described as Klamath County Assessor's Tax Lot 3909-5CA-5500.

2. The applicant currently owns the mobile home which he desires to place on the premises. It is a 1966 Frontier mobile home which is 10' x 55' in size and has a small pop out in the front. The mobile home is in sound condition.

3. According to a survey completed by Planning Staff member Carl Shuck, the neighborhood in which this mobile home will be sited already contains at least 10 other mobile homes of which several have previously received Variances from the size requirements of the code.

4. The applicant intends to clear the currently vacant lot of weeds, install a septic system on the site and water service will be provided by the City of Klamath Falls.

5. The Findings of Fact contained in the Klamath County Staff Reports for both the Conditional Use Permit and Variance are hereby adopted and incorporated herein by this reference.

KLAMATH COUNTY LAND DEVELOPMENT CODE CRITERIA

Klamath County Land Development Code Section 44.003 sets forth the review criteria for granting a Conditional Use Permit. Article 43.003 sets forth the review criteria for granting a Variance.

KLAMATH COUNTY GOALS AND POLICY COMPLIANCE:

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

KLAMATH COUNTY CODE FINDINGS AND CONCLUSIONS:

The following Findings of Facts and Conclusions are made concerning the review criteria set forth in Section 43.003:

A. The literal enforcement of the code section requiring that a mobile home placed inside the Klamath Falls Urban Growth Boundary be not less than 20 feet in width and contain not less than 800 square feet would result in an unnecessary hardship for this applicant. The applicant already owns the subject mobile home and the lot. The neighborhood in which the applicant proposes to place the mobile home already contains a large number of mobile homes, some of which have already had Variances previously granted from the mobile home size standards set forth in the Klamath County Code. There would be no public benefit resulting from the strict enforcement of the code and it would cause the applicant great expense if he is not able to place the subject mobile home on the property.

B. The condition causing the difficulty was not created by the applicant. The subject lot contains approximately 6,000 square feet. The applicant owns the mobile home and the lot. He has done nothing to create the condition requiring the Variance, rather the condition was placed upon the lot when current land use code was adopted.

C. The granting of the Variance will not be detrimental to the public health, safety and welfare or to the use and enjoyment of adjacent properties and will not be contrary to the intent of the code. The subject neighborhood already contains a large

number of mobile homes, some of which do not meet the minimum size requirements for a mobile home inside an Urban Growth Boundary. On several previous occasions, Variances have been granted from this code standard to allow the placement of mobile homes that do not meet said standard. The mobile home will be serviced by appropriate public services, including water and an individual septic system. So long as the applicant complies with the conditions set forth hereinafter, there will be no detriment to the public resulting from the granting of this Variance.

The following Findings and Conclusions are made concerning the criteria set forth in Code Section 44.003.

A. The RL Zone allows as a Conditional Use the placement of a mobile home in the zone.

B. The location, size, design and operating characteristics of the proposed use are in conformance with the Klamath County Comprehensive Plan. So long as the applicant complies with the conditions set forth hereinafter, the siting of a mobile home on the subject lot will comply with the provisions of the Klamath County Comprehensive Plan.

C. The location, size, design and operating characteristics of the proposed placement of a mobile home on this lot is compatible with and will have no significant adverse affects on the use and development of abutting properties. As stated repeatedly above, there are already a large number of mobile homes located on lots in the immediate vicinity of the subject property. Several of those mobile homes do not meet the minimum size requirements

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set forth in the Klamath County Land Development Code for mobile homes inside the Klamath Falls Urban Growth Boundary. The addition of this mobile home will not be detrimental to the neighborhood and the uses of abutting properties so long as the applicant complies with the conditions set forth hereinafter.

ORDER:

The subject applications for a Conditional Use Permit to site a mobile home in the RL Zone on the above described property and for a Variance from the mobile home siting standards of Klamath County Land Development Code which require that a mobile home sited inside the Klamath Falls Urban Growth Boundary contain not less than 800 square feet and be at least 20 feet in width are hereby granted subject to the following conditions:

1. The applicant shall comply with all requirements of the Klamath County Department of Health Services, Klamath County Land Development Code and the Klamath County Building Ordinances.
2. The applicant shall at all times maintain the subject mobile home in a good and attractive condition and shall at all times keep the subject property free and clear of weeds, garbage and other foreign materials which would detract from the attractiveness of the property and the neighborhood in general.

DATED this 30th day of July, 1987.

William M. Ganong
William M. Ganong
Hearings Officer

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STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County Planning Department the 4th day
of August A.D., 19 87 at 8:38 o'clock A M., and duly recorded in Vol. M87
of Deeds on Page 13846.

FEE NONE

Return: Commissioners' Journal

Evelyn Biehn,

By

County Clerk

Pat Smith