

1 IN THE MATTER OF CONDITIONAL USE PERMIT)  
2 11-86, DORIS DEGARMO, APPEAL OF DENIAL )  
3 BY HEARINGS OFFICER )

ORDER NO.

88-160

4 I. NATURE OF APPEAL

5 Public hearings on this appeal were conducted October 21,  
6 and 28, 1987, before the Klamath County Board of Commissioners.  
7 This appeal requested reversal of a Hearings Officer order dated  
8 September 23, 1987, wherein Assistant Hearings Officer, James R.  
9 Uerlings, found:

10 CONCLUSIONS OF LAW AND DECISION:

11 1. This request for a Conditional Use Permit on the subject  
12 property is denied for the reason that it does not meet all appli-  
13 cable Klamath County Development Code criteria and policies  
14 governing such.

15 This appeal was considered pursuant to Article 33 of the Land  
16 Development Code.

17 II. NAMES OF THOSE INVOLVED

18 The applicant, Doris DeGarmo, was present and argued in  
19 favor of the appeal. Pearl Austin also argued in favor of the  
20 appeal. Kim Migliaccio, Ernie Meyers, and Myron Now argued against  
21 the appeal. The Planning Department was represented by Kim Lundahl,  
22 Senior Planner. Karen Burg was the recording secretary. Michael  
23 Spencer, Legal Counsel, was also present.

24 III. LEGAL DESCRIPTION

25 The subject property is located at the northwest corner of  
26 Lava (Fawn) Lane and Keno-Worden Road, Lot 1, Block 1, Keno River  
27 Sportsman Estates, Tax Account 4008-17BD-1400.

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1 IV. FINDINGS

2 The Board of Commissioners has reviewed the transcript of the  
3 September 17 and 18, 1987 hearings, heard argument presented,  
4 and reviewed the information in the Planning Department file.  
5 Members of the Board also visited the project site. The Board  
6 finds the information, testimony, and argument presented demon-  
7 strates this application is in conformance with Article 44.003 of  
8 the Land Development Code, in that:

9 A. The use is conditionally permitted in the zone in which  
10 it is proposed to be located.

11 B. The location, size, design, and operating characteristics  
12 of the proposed use are in conformance with the Klamath County  
13 Comprehensive Plan.

14 C. The location, size, design and operating characteristics  
15 of the proposed development will be compatible with and will not  
16 have significant adverse effects on the appropriate development  
17 and use of abutting properties and the surrounding neighborhood.  
18 Consideration shall be given to harmony in scale, bulk, coverage,  
19 and density; to the availability of civic facilities and utilities;  
20 to harmful effects, if any, upon desirable neighborhood character-  
21 istics and livability; to the generation of traffic and the  
22 capacity of surrounding streets; and to any other relevant impact  
23 of the development.

24 V. ORDER

25 Therefore, the Board of Commissioners hereby approves the  
26 request of Doris DeGarmo to locate an additional mobile home  
27 on the property herein described as permitted per LDC 51.004(C)(3),  
28 subject to the following conditions:

1        1. The additional mobile home shall be located no closer  
2 to the front property line than the existing mobile home.

3           2. No trees shall be removed from within the required front-  
4 yard setback.

3. A landscape plan, drawn to Land Development Code Section 65.003(D), shall be submitted to and approved by the Planning Director prior to the issuance of a placement permit. The landscaping plan shall conform to the landscaping of other developed properties.

10 4. The permitted mobile home shall have a floor area of  
11 not less than 850 square feet.

5. The applicant shall maintain each mobile home in a good and clean manner such as to conform with other developed properties within the subdivision. The Planning Director shall automatically review this application six months after the date of this approval.

16 Dated this 5th Day of November, 1987.

17 BOARD OF COUNTY COMMISSIONERS

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James Rogers  
Chairman

20  
21  
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Commissioner

23 \_\_\_\_\_  
24 Commissioner

25. Approved as to Form and Content:

26   
27 Michael Spencer, County Legal Counsel

28 APPEAL OF CUP 11-86/DEGARMO  
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STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County Planning Dept. the 9th day  
of November A.D., 19 87 at 3:47 o'clock P M., and duly recorded in Vol. M87  
of \_\_\_\_\_ of \_\_\_\_\_ Deeds \_\_\_\_\_ on Page 20383.

FEE NONE  
Return: Commissioners' Journal

By Evelyn Biehn, County Clerk  
Pam Smith