

## BEFORE THE HEARINGS OFFICER OF KLAMATH COUNTY, OREGON

In the Matter of the Request )  
 for a Conditional Use Permit )  
 for WILLIAM McGARVIN. )

C.U.P. 12-89  
 FINDINGS OF FACT, CONCLUSIONS  
 OF LAW AND ORDER

This matter came before Hearings Officer William M. Ganong on April 20, 1989 in the Klamath County Commissioner's Hearing Room. The Hearing was held pursuant to the Notice given in conformity with the Klamath County Land Development Code and related ordinances. The Applicant was represented by John R. Nickelson. The Klamath County Planning Department was represented by Mr. Kim Lundahl 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 requests a Conditional Use Permit to place an additional mobile home on a 9.56 acre lot in the Whispering Pines area of Keno, Oregon, described as Klamath County tax lot 4008-700-1400.
2. The property is zoned R-5, a rural residential zone with a minimum lot size of five (5) acres.
3. Klamath County Land Development Code Section 51.003(c)(5) provides that an additional mobile home is allowed as a conditional use in the R-5 zone.
4. Mr. Nickelson testified that the additional mobile home will be used as the primary residence on the property. The existing mobile home and additional mobile home will be occupied by the Applicant and the Applicant's parents. When the Applicant's parents no longer reside on the subject

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property, the current mobile home will either be removed, if it remains habitable, or will be converted to a non-residential use.

5. There are other mobile homes in the surrounding neighborhood.

6. The Planning Department recommends the approval of the subject request.

FINDINGS REQUIRED BY LDC §44.003

1. LDC §51.003(c)(5) allows the placement of additional mobile home on the subject property as a Conditional Use.

2. The size of the subject parcel, nearly twice the lot size required by the R-5 zone, the placement of the existing and proposed additional mobile home as shown on the Applicant's plot plan and the findings of the Planning Department staff report demonstrate that the location, size, design and operating characteristics of the proposed use are in conformance with the Klamath County Comprehensive Land Use Plan.

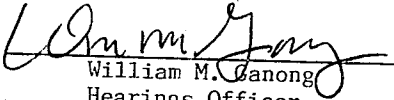
3. No public agency or other interested person presented any testimony in opposition to the subject application. The findings set forth above demonstrate that the proposed use will be compatible with and will not have any significant adverse effects on the appropriate development and use of abutting properties and the surrounding neighborhood.

ORDER

William E. McGarvin is hereby granted a Conditional Use Permit to place an additional mobile home on the property described above. Provided, however, that the land and improvements located thereon shall be maintained at all times in a neat, debris free and attractive condition; that one of the mobile homes located on the subject property shall either be removed from the subject property or converted to another use within one year after the parents of the

applicant no longer reside on the subject property; and that the Applicant shall strictly comply at all times with all applicable State and Federal laws, County ordinances, and the requirements of the Keno Rural Fire Protection District and its successor in interest.

DATED this 17th day of May, 1989.

  
William M. Ganong  
Hearings Officer

Klamath County Land Development Code Section 24.007 provides:

"An Order of the Hearings Officer shall be final unless appealed within ten (10) days of its mailing by a party having standing in accordance with the procedures set forth in Chapter 3, Article 33 of the Code."

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County the 19th day  
of May A.D., 19 89 at 3:11 o'clock P.M., and duly recorded in Vol. M89,  
of Deeds on Page 8718.

FEE none

Evelyn Biehn County Clerk

By Pauline Mullens

Return: Commissioners Journal