

BEFORE THE HEARINGS OFFICER OF KLAMATH COUNTY, OREGON

In the Matter of the Request)
 for a Conditional Use Permit)
 for MICHAEL NEALY and GLEN)
 NEALY and SUE VAN GASTEL)

C.U.P. 22-89
 FINDINGS OF FACT, CONCLUSIONS
 OF LAW AND ORDER

This matter came before Hearings Officer William M. Ganong on June 1, 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 Applicants were represented by Michael and Glen Nealy at the hearing. The Klamath County Planning Department was represented by Mr. J. 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. This Application is for a Conditional Use Permit to place a second mobile home on a one acre parcel of land near Keno, Oregon and located between Clover Creek Road and Ben Kerns Road. The property is described as Assessors Lot 3908-31B0-1500. The property is zoned R1.
2. The pictures of the proposed site and surrounding neighborhood show that many of the residences located in this neighborhood are mobile homes. They also show many out buildings such as barns and corrals and that this is a rural residential neighborhood. The Applicants have an earnest money offer pending on the subject property. All of the Applicants will be in title to the property and the two residences proposed for the property will be occupied by the co-owners.

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3. The property is located in the Keno Fire Protection District. It will be served by individual wells and septic systems located on the property. It is in a platted subdivision and is served by public roads, power and telephone.

4. Some of the nearby landowners objected to the request citing concerns over potential for overloading wells and septic systems in the area, the abundance of wildlife including deer and eagles in the area, and the effect on Ben Kerns Road which provides access to the property and the adjacent land. Neighbor Dan Nelson testified that the true concern of nearby property owners is that the neighborhood remain an owner/occupied residential area and that the mobile homes not be used for rentals. No evidence of problems with wells and septic systems was presented.

KLAMATH COUNTY LAND DEVELOPMENT CODE CRITERIA

Klamath County Land Development Code Section 44.003 sets forth the criteria which must be addressed in reviewing an application for a conditional use permit.

KLAMATH COUNTY CODE FINDINGS OF FACT AND CONCLUSIONS OF LAW

The following findings of fact and conclusions are made concerning the review criteria set forth in Section 44.003:

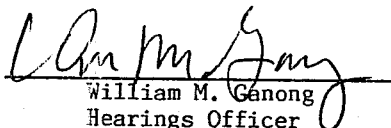
1. Land Development Code Section 51.004(C)(3) provides that a second mobile home maybe established on land zoned R1. The subject property is zoned R1 and therefore, the use is conditionally permitted in this zone.
2. The Location, size, design and operating characteristics of the proposed use are in conformance with the Klamath County Comprehensive Plan. The subject property is served by the Keno Rural Fire District, public roads, power and telephone. The property is of sufficient size to adequately establish water and sewage facility on site.

3. The location, size, design and operating characteristics of the proposed development will be compatible with and will not have significant adverse effect on the surrounding neighborhood. The surrounding neighborhood is composed of lots containing from $\frac{1}{2}$ acre to in excess of two acres. The subject lot is one acre in size. It is adequate in size to site the mobile homes. The primary concern of the neighbors is that the property be maintained in a good condition and be owner occupied. That concern can be dealt with by requiring that the mobile homes always be owner occupied.

ORDER

The subject application for Conditional Use Permit to place a second mobile home on the property described above is granted. Provided, however, that the Applicant shall keep both mobile homes and all future residences located on the property in a orderly and clean condition, that all residences placed on the property be owner occupied, that they not be used for rental units and that the Applicants comply at all times with all Klamath County ordinances, rules, codes and standards.

DATED this 21th day of June, 1989.


William M. Canong
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."

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STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County the 23rd day
of June A.D., 19 89 at 3:51 o'clock P.M., and duly recorded in Vol. M89
of Deeds on Page 11290.

FEE none

Evelyn Biehn County Clerk

By Deborah Mullendore

Return: Commissioners Journal