

BEFORE THE HEARINGS OFFICER OF KLAMATH COUNTY, OREGON

In the Matter of the Request)	C.U.P. 40-89
for the Conditional Use Permit)	Variance No. 7-89
and a Variance for PATRICK)	FINDINGS OF FACT,
DEAN PURVES.)	CONCLUSION OF LAW
)	AND ORDER

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This matter came before Richard C. Whitlock, Hearings Officer of Klamath County, Oregon on September 7, 1989 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. Patrick Purves, the Applicant was present at the hearing and testified in favor of the application. 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, including Exhibits A, B C and D. The 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 locate a mobile home in the RM Zone (Medium Density Residential) pursuant to Land Development Code Section 51.007. The subject property is located at 1532 Derby Street, Klamath Falls, Oregon and is Klamath County Tax Account No. 3809-34DD-5100.

2. The Applicant has also requested a Variance from

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the mobile home siting standards of the Land Development Code in order to allow him to place mobile home which is less than 20 feet wide, contains less than 800 square feet and was manufactured prior to 1976 on the subject property which is located within the Klamath Falls Urban Growth Boundary. The mobile home which the Applicants desire to place on the property was manufactured in 1969, is at least 10 feet wide by 55 feet long, with a 7 foot by 12 foot "tip-out" and contains a total of 634 square feet.

3. There are other single wide mobile homes already located in the area of the subject property. There are also several nearby lots which contain both a mobile home and a conventionally built home. There was no testimony in opposition to either application.

4. The Applicant's lot contains approximately 2,750 square feet, is located within Fire District No. 1 boundaries, has electricity, telephone, water and sewer facilities. Access will be off Derby Street and placement of the mobile home as requested will comply with required setback requirements.

KLAMATH COUNTY LAND DEVELOPMENT CODE CRITERIA:

1. Article 44 of the Land Development Code sets forth the criteria for granting a Conditional Use Permit.

2. Code Section 51.007 provides that a mobile home may be sited on a lot in the RM zone by Conditional Use Permit.

3. Article 43 of the Land Development Code sets forth the criteria which must be addressed in order to grant a

Variance.

4. Article 84 sets forth the standards for siting mobile homes and paragraph E provides, in part, that mobile homes located within the Klamath Falls Urban Growth Boundary shall be at least 20 feet in width, shall contain at least 800 square feet and shall be manufactured after June 15, 1976.

KLAMATH COUNTY CODE FINDINGS AND CONCLUSIONS:

A. With respect to the application for Conditional Use Permit to site a mobile home on a lot on the RM Zone, the Hearings Officer makes the following findings:

(1) As set forth above under the Klamath County Land Development Code Criteria, the RM Zone allows a mobile home as a Conditional Use.

(2) The location, size, design and operating characteristics of the mobile home placement are in conformance with the Klamath County Comprehensive Plan. The subject property is served by water and sewer services. The subject lot is of adequate size both in width and depth to site the subject mobile home on the lot in a manner which will meet all setback requirements.

(3) The location, size, design and operating characteristics of the addition of this mobile home on the subject lot is compatible with and will have no significant adverse affects on the appropriate development and use of abutting properties and the surrounding neighborhood. As set forth above in the Findings of Fact, this neighborhood contains a number of existing mobile homes. There was no testimony or evidence whatsoever that would indicate in any manner

that the siting of a mobile home on this lot for a relative will have any adverse affect on the neighborhood or abutting properties.

B. With respect to the request for a Variance, the following Conclusions are Made:

1. The literal enforcement of the code provision requiring that a mobile home be placed within the Klamath Falls Urban Growth Boundary is an unnecessary hardship and greater private expense than public benefit of strict enforcement. The evidence shows that there are other single-wide mobile homes of a similar size located in the immediate vicinity of the subject property. The additional mobile home can be placed on the lot so that it complies with all set-back requirments of the Code.

2. The subject mobile home is already owned by the applicant and no benefit will result to the public if the Applicant's request is denied.

3. The granting of the subject application will not be detrimental to the public health, safety and welfare or to the use and enjoyment of the adjacent properties and will not be contrary to the intent of this code.

ORDER:

The subject application for a Conditional Use Permit to site a mobile home on the above described property is granted. In addition, the request for a Variance from the standards of the Land Development Code requiring that the mobile home be not less than 20 feet in width, not less than 800 square feet and manufactured prior to 1976, is granted.

This Order granting the variance is restricted to the 1969, 10'x55' mobile home presently applied for and shall not extend to replacement of that unit by any other single-wide mobile home. Any future mobile home intended to be placed on this site shall comply with Urban Growth Boundary requirements or applicant may seek a variance from Klamath County.

DATED this 13th of September, 1989.

Richard C. Whitlock
Richard C. Whitlock, 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 this Code."

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County the 14th day
of Sept. A.D., 19 89 at 9:06 o'clock A M., and duly recorded in Vol. m89,
of Deeds on Page 17284.

FEE none

Evelyn Biehn County Clerk

By Pauline Mullins

Return: Commissioners Journal