

BEFORE THE HEARINGS OFFICER OF KLAMATH COUNTY, OREGON

In the Matter of the Request)	C.U.P. 34-89
for the Conditional Use Permit)	FINDINGS OF FACT,
for Michael Wagner and Diane)	CONCLUSION OF LAW
Wagner)	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. Diane Wagner, one of the Applicants 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 and C. The Hearings Officer, after reviewing the evidence presented, makes the following Findings of Fact, Conclusions of Law and Decision:

FINDINGS OF FACT:

1. The Applicants have 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 4527 Frieda Street, Klamath Falls, Oregon and is Klamath County Tax Account No. TA3809-35CC-100 and is located within the Klamath Falls Urban Growth Boundary.

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2. The mobile home which the Applicants desire to place on the property was manufactured after 1976, is at least 20 feet wide and encloses not less than 800 square feet.

3. There are numerous mobile homes already located in the area of the subject property. There was no testimony in opposition to this request.

4. The Applicants' lot contains approximately 26,289 square feet, is located within Fire District No. 1, has electricity, telephone, water and sewer facilities. Access will be off Frieda 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. 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 and 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 conform-

ance with the Klamath County Comprehensive Plan.

(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.

ORDER:

The subject application for a Conditional Use Permit to site a mobile home on the above described property is granted.

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 17289.

FEE none

Evelyn Biehn - County Clerk

By Pauline M. Mendenhall

Return: Commissioners Journal