BEFORE THE HEARINGS OFFICER OF KLAMATH COUNTY, OREGON

In the Matter of the Request for the Conditional Use Permit for ROBERT ALLBEE AND SANDRA ALLBEE.) C.U.P. 1-90) FINDINGS OF FACT,) CONCLUSION OF LAW) AND ORDER

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This matter came before Richard C. Whitlock, Hearings Officer of Klamath County, Oregon on February 9, 1990 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. Robert Allbee, 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 Leanne Mitchel. The Klamath County Planning Department file and all contents thereof were incorporated in the record as evidence, including Exhibits A (staff report), B (assessor's map), C (plot plan) and E (letter from Klamath County Health Services). Exhibit D (photos) was not available nor received. 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 are requesting a Conditional Use Permit to place a mobile home in the R5 Zone (Rural) as an additional residence pursuant to Land Development Code Section 51.003(C)(5).

2. The subject property is located at 13373 Kann Springs Road, Keno, Oregon, and is legally described as Lot 6, Block 9, Keno Whispering Pines Subdivision, Tax Account No. 4007-12A-2900. The property is located in the RS (Rural) Zone and is approximately 5 acres in area. This location is outside the Urban Growth Boundary. The mobile home which Applicants desire to place on the property is a new, double-wide mobile home containing a total of approximately 1200 square feet.

3. Robert Allbee testified at the hearing that his mother-in-law is elderly and responsibility for her care has fallen to the Applicants, and the mobile home would be used by this parent of the Applicant as her permanent residence. Mr. Allbee testified, and staff confirmed, there are numerous other mobile homes in the area and there are some other "double residence" properties in the area. Mr. Allbee also stated he had discussed this mobile home placement with some of his neighbors and they were supportive of the idea, and a neighbor, Timothy McGuire, also testified in favor of the application, urging no time limitations be imposed.

4. The Planning Department staff suggests possibly some type of time restriction on this permit because new zoning restrictions being discussed by the Klamath County Commissioners would prohibit additional residences on lots less than ten acres. There was no testimony in opposition to this application despite the fact that eight (8) nearby property owners were notified of this application.

6. The Applicant's lot is located within Keno Rural Fire District boundaries and has electricity, water and septic facilities. Access will be off Kann Springs Road, and placement of the mobile home as requested will comply with all 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. Land Development Code Section 51.003(C)(5) provides that an additional mobile home residence may be sited on a lot in the R5 Zone (Rural) by Conditional Use Permit.

3. Klamath County Land Development Article 84, which sets forth the standards for siting mobile homes within the Klamath Falls Urban Growth Boundary, is not applicable to this application.

KLAMATH COUNTY CODE FINDINGS AND CONCLUSIONS:

With respect to the application for Conditional Use Permit to site a mobile home in the R5 Zone, the Hearings Officer makes the following findings:

(1) As set forth above under the Klamath County Land Development Code Criteria [Land Development Code 51.003(C)(5)], the R5 Zone allows a mobile home for an additional residence as a Conditional Use. The proposed occupant of the mobile home is the applicants' elderly parent who requires closer care.

(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 fire, water, electrical 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 and not interfere with any neighboring properties.

(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 effects on the appropriate development and use of abutting properties and the surrounding neighborhood. As set forth above in the Findings of Fact, this area contains a number of existing mobile homes and there are also other multiple residence lots in the neighborhood. There was no testimony or evidence whatsoever that would indicate that the siting of a mobile home on this lot as an additional residence for a relative will have any adverse affect on the neighborhood or abutting properties. Eight (8) neighbors were notified and no negative comments were received. One neighbor testified in favor of the application.

ORDER:

The application for a Conditional Use Permit to site a mobile home as an additional residence for the use of persons related to the owner or contractual purchaser on the above described property is granted. This Conditional Use Permit is specifically restricted to use of the mobile home by persons

related to the owner or contractual purchaser of the said property and any mobile home placed on the property shall comply with all existing property development standards, including setbacks. This Conditional Use Permit shall expire in the event the mobile home is no longer occupied by persons related to the owner or contractual purchaser of the said property.

DATED this 13th of February, 1990.

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 26th day of Feb. A.D., 19 90 at 9:20 o'clock AM., and duly recorded in Vol. M90, of Deeds on Page 3565.

FEE none

Evelyn Biehn, County Clerk
By Pauline Millendore

Return: Commissioners Journal