

## BEFORE THE HEARINGS OFFICER OF KLAMATH COUNTY, OREGON

|                                |   |                   |
|--------------------------------|---|-------------------|
| In the Matter of the Request   | ) | C.U.P. 18-90      |
| for the Conditional Use Permit | ) | FINDINGS OF FACT, |
| for WAYNE NEUBERT.             | ) | CONCLUSION OF LAW |
|                                | ) | AND ORDER         |

This matter came before Richard C. Whitlock, Hearings Officer of Klamath County, Oregon on May 4, 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. Corine Neubert, wife of 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 (staff report), B (assessor's map), and C (site plan). 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 is requesting a Conditional Use Permit to place a mobile home in the R1 Zone (Rural) as an additional residence pursuant to Land Development Code Section 51.004(C)(3).

2. The subject property is located at 9514 Old Wagon Road, Keno, Oregon, and is legally described as a portion of

Section 25, T39S, R 7EWM, in the Klamath River Acres Subdivision, Tax Account No. 3907-25-2200. The property is located in the R1 (Rural) Zone and is approximately 3.38 acres in area. This location is outside the Urban Growth Boundary. The mobile home which Applicant desires to place on the property is a new, double-wide mobile home.

3. Ms. Neubert testified at the hearing that her mother is aging and responsibility for her care has fallen to the Applicant and herself, and the mobile home would be used by this parent of the Applicant as her permanent residence. There are other mobile homes in the area and there are some other "double residence" properties in the area. Mrs. Neubert also stated the neighbors were supportive of the idea, and she urged no time limitations be imposed, so long as the residence was used for family purposes (i.e., other family members).

4. The Planning Department staff suggested 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 several 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 separate septic facilities. Access will be off Old Klamath River Road, and placement of the mobile home as requested

will comply with all setback requirements and will be screened by tree growth from other residences in the area.

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 51.004(C)(3) provides that an additional mobile home residence may be sited on a lot in the R1 Zone (Rural) by Conditional Use Permit.

KLAMATH COUNTY CODE FINDINGS AND CONCLUSIONS:

With respect to the application for Conditional Use Permit to site a mobile home as an additional residence in the R1 Zone, the Hearings Officer makes the following findings:

(1) As set forth above under the Klamath County Land Development Code Criteria [Land Development Code 51.004(C)(3)], the R1 Zone allows a mobile home for an additional residence as a Conditional Use. The proposed occupant of the mobile home is the applicant's elderly relative 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. Several neighbors were notified and no negative comments were received.

ORDER:

The application for a Conditional Use Permit to site a mobile home as an additional residence 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 occupied as a residence by persons not related to the owner or contractual purchaser of the said property.

DATED this 7<sup>th</sup> of May, 1990.

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 9th day  
of May A.D., 19 90 at 11:25 o'clock AM., and duly recorded in Vol. M90  
of Deeds on Page 8825.

FEE \$none

Evelyn Biehn County Clerk  
By Orlene Muelenders

Return: Commissioners Journal