

BEFORE THE HEARINGS OFFICER OF KLAMATH COUNTY, OREGON

In the matter of the request
of MARGARET PASCHAL

CONDITIONAL USE PERMIT
NO. CUP 32 90

This matter came before Neil D. Smith, Hearings officer for Klamath County, Oregon on 23 June 1990 in the County Commissioners' Hearing Room in Klamath Falls Oregon. The Klamath County Planning Department was represented by Mr. Carl Shuck the recording secretary was Ms. Karen Berg. The Klamath County Planning Department file and all the exhibits and other contents therein is incorporated by this reference into this matter.

This hearing was consolidated with Zone Change No. 10-90 (which is an application by the same petitioner) for the purpose of taking evidence only.

The Hearing was held pursuant to notice given in conformity with the Klamath County Land Development Code and related Statutes and Ordinances. MRS. MARGARET PASCHAL, the applicant for the above referenced Conditional Use Permit, was present and testified. Mrs. Paschal information was received and found to be in favor of the permit.

The report prepared by staff was read and the contents thereof were received in evidence; Exhibit "A" (staff report), Exhibit "B" (assessor's plat map), Exhibit "C" (a plat of the property) and Exhibit "D" (photographs showing the relative positions of adjacent property, and streets). Based upon the evaluation of the testimony and consideration of the evidence received, the Hearings Officer makes the following FINDINGS OF FACT AND CONCLUSIONS.

FINDINGS OF FACT :

1. The Applicant is requesting a Conditional Use Permit for the purpose placement of a mobile home within the UGB on a parcel of land zoned RL.
2. The property is located on the South side of Onyx Ave. and the West side of Bisbee Street Klamath County, Oregon; legally described as "a portion of section 10 TS.39 R.9 tax lot 3100.
3. Mrs. Paschal and staff testified that the Exhibits above described show the present buildings in the immediate vicinity of this site and the relative location of residences abutting the property. It appears that other residences adjoining this property have been placed upon lots of a similar size and that mobile homes are placed in the immediate area to the subject property.

4. Authority for the proposed Conditional Use Permit is found in section 44.003 of Article 44, paragraphs A through C.

5. The Applicant's requested Conditional Use Permit is conditionally permitted in this zone.

6. The location, size, design and operating characteristics of the proposed use are in conformance with the Klamath County Comprehensive Plan.

7. The property is adequately served by maintained streets and municipal utilities and services.

9. The Hearings Officer has noted that the existing foundation shown on exhibit "C" does not appear to meet the required front setback and informed petitioner that all setback requirements must be met and will be made a condition of this use.

CONCLUSION


The resulting change which will be made by placing a mobile home on the lot(s) will not effect the present use of the property considered here as it will be consistent with the uses to which the adjacent properties are being used.

ORDER

Based upon the findings and conclusion herein the Conditional Use Permit will be granted conditioned upon the owner's and her successors in interest strict observance of the required setback distances, and any conveyance will be so drawn.

THEREFORE the request of Margaret Paschal is granted subject to the above condition.

DATED this 2nd day of July 1990



Neil D. Smith, 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 3rd day of July A.D. 19 90 at 3:40 o'clock P M., and duly recorded in Vol. M90 of Deeds on Page 13186

By Evelyn Biehn County Clerk

FEE none

Return: Commissioners Journal