

BEFORE THE HEARINGS OFFICER OF KLAMATH COUNTY, OREGON

In the matter of the request

of RICHARD McCOLLAM

CONDITIONAL USE PERMIT

NO. CUP 38-90

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This matter came before Neil D. Smith, Hearings officer for Klamath County, Oregon on 27 July 1990 in the County Commissioners' Meeting Room in Klamath Falls Oregon. The Klamath County Planning Department was represented by Mr. Carl Shuck the recording secretary was Ms. Karen Burg. The Klamath County Planning Department file and all the exhibits and other contents therein is incorporated by this reference into this matter.

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); Exhibit "D" (a letter from Todd and Karen Hoggarth); and Exhibit "E" (photographs).

The Hearing was held pursuant to notice given in conformity with the Klamath County Land Development Code and related Statutes and Ordinances. MR. RICHARD McCOLLAM, the applicant for the above referenced Conditional Use Permit, was present and testified. MR. McCOLLAM'S information was received and found to be in favor of the permit.

Mrs. Karen Hoggarth appeared in person and testified about her opposition to the request. Mrs. Hoggarth's main concerns were concerned about screening/fencing between her property to the north of the proposed site to prevent cattle or horses from entering the mobile home park and the possible trespass of children in the area.

Ms. Nancy Rhoder appeared and asked to be heard, it was determined that she was not effected by this proposal nor was the person whom she claimed to represent. She was heard for a sufficient time to determine that she had no standing to offer testimony and the hearings officer struck her statements from the record.

Mr. Steve Reedy of the Fire district appeared and placed upon the record the requirement of the fire code that the petitioner must place a fire hydrant within 500 feet of the mobile homes.

Mr. John Lundberg appeared and stated that he has no objection to the development but that he had a concern regarding

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the impact of development upon the road system in the immediate area. The site is shown on exhibit c and other exhibits where it is shown that the only access to his proposed development is from Humidly Road, a two lane roadway. Mr. Lundberg also was concerned about the screening of the property from Humidly Road.

When rebuttal was offered by Mr. McCOLLAM he addressed the statements of both Mrs. Hoggarth and Mr. Lundberg by assuring them that the property would be fenced and landscaped from the areas of their concern. Mr. McCollam further pointed out that the Mobile Homes to be placed upon the spaces are to be owned by the occupants.

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 fourteen (14) Double Wide mobile home spaces upon a 3.97 acre site on a parcel of land zoned RS.
2. The property is located West side of Humidly Road and South of point where it enters the North Hills Subdivision being in the northern South Suburban area Klamath County, Oregon; legally described as "a portion of section 35 T 38 S, tax lot 100.
3. Mr. McCollam and staff testified that the Exhibits above described show the present area in the immediate vicinity of this site.
4. Authority for the proposed Conditional Use Permit is found in section 51.005 C (7) and review in accordance with 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.

#### CONCLUSION

The resulting change which will be made by placing the Mobile Home spaces will not effect the present use of the surrounding property and is not inconsistent with the uses to which the adjacent properties are being used.

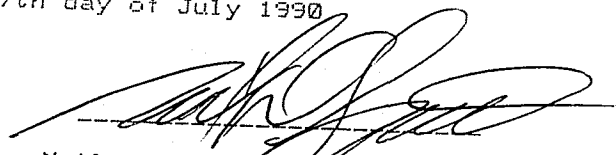
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ORDER

Based upon the findings and conclusion herein the Conditional Use Permit is granted.

THEREFORE the request of Richard McCollam is granted provided that he meet all fire code requirements and the fencing and screening requirements of the code.

DATED this 27th 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 30th day  
of July A.D., 19 90 at 3:42 o'clock P M., and duly recorded in Vol. M90,  
of Deeds on Page 15179.

FEE none

Evelyn Biehn County Clerk

By Pauline Mullendore

Return: Commissioners Journal