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BEFORE THE HEARINGS OFFICER OF KLAMATH COUNTY, OREGON

In the matter of the request of )

BOWERS EXCAVATING AND FENCING )

CONDITIONAL USE PERMIT

NO. CUP 22-94

This matter came before Michael L. Brant, Hearings officer for Klamath County, Oregon, on May 27, 1994 and was continued to June 10, 1994. in the Klamath County Museum Meeting Room in Klamath Falls, Oregon. The hearing was held pursuant to notice given in conformity with the Klamath County Land Development Code and related statutes and ordinances. The Klamath County Planning Department was represented by Mr. Carl Shuck and 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. The report prepared by staff was read and contents thereof were received in evidence. Exhibits A through T were received. Applicant was represented by Perry Chesnut, who testified as did Earl Kessler of the Klamath County Public Works Department and numerous residents of areas adjacent to and nearby the subject property. Based upon the consideration of the evidence received, the hearings officer makes the following FINDINGS OF FACT AND CONCLUSIONS.

FINDINGS OF FACT

1. The Applicants are requesting a Conditional Use Permit in order to develop approximately 8.26 acres into a manufactured home park that would have a total of 57 spaces.

2. The subject property is located on the east side of

HomeGale, 500 feet west of Madison and north of Shasta Way. The legal description is a portion of Section 35 T38S R9EWM, TL 300 and TL 802.

3. Authority for the proposed conditional use permit is found in LDC section 51.530 Article 51.5 and section 44.030 Article 44.

4. The property is adequate in size and shape to facilitate the conditional use requested.

5. The subject property is not properly related to streets and roads and to other public facilities to adequately serve the conditional use. The county roads and streets are inadequate to safely accommodate the increased traffic flow which can reasonably be expected to be generated by the proposed use and access for emergency vehicles is inadequate. The applicants have not provided sufficient evidence to establish that the schools serving the area can adequately accommodate the increased school age population which the proposed usage can reasonably be expected to contribute.

6. The proposed use will not have a significant adverse affect on the appropriate use and development of adjacent properties. The property adjacent to the subject property to the west contains a mobile home park.

#### CONCLUSION

The proposed conditional use cannot be approved without further development of public roads in the area and additional suitable access to the property to accommodate emergency services.

ORDER

Based upon the findings and conclusions herein, the conditional use permit requested is denied.

DATED this 9th day of July, 1994.

*Michael L. Brant*

Michael L. Brant  
Hearings Officer

KLAMATH COUNTY LAND DEVELOPMENT CODE SECTION 24.060 PROVIDES:

"An Order of the Hearings Officer may be appealed to the Board of County Commissioners within seven (7) days of its mailing as set forth in Article 33."

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County the 12th day  
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FEE none  
Commissioners Journal

Evelyn Biehn County Clerk

By *Christine Millender*