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BEFORE THE HEARINGS OFFICER OF KLAMATH COUNTY, OREGON

In the matter of the request for a conditional use permit by

Conditional Use Permit Case No. 14-95 18921

LUIS SEGURA-GUERRA

This matter came before Michael L. Brant, Hearings Officer for Klamath County, Oregon, on July 7, 1995, 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 Flanning Department was represented by Mr. Kim Lundahl and 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 Klamath County Planning Department staff report was received. The applicant was present and testified.

Opponents presented oral testimony as well as written opposition to the requested Conditional Use permit.

Based upon the evaluation of the staff report and consideration of the evidence received, the hearings officer makes the following findings of fact and conclusions and makes the following decision.

FINDINGS OF FACT

The applicant requests a conditional use permit to allow a new double wide manufactured home as an additional dwelling on a parcel

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greater than 20,000 square feet in size in the RS zone.

The subject property is located on the south side of Laverne and approximately 300 feet west of Altamont Drive, in a portion of Section 10CA of T39S, R9EWM: Tax Account 3909-10CA-300.

Article 51.5, Section 51.530(A) of the Klamath County Comprehensive Land Development Code provides the authority for granting the requested conditional use permit.

CONCLUSION

The Opponents' objections are complaints about the life style and conduct exhibited by occupants of and or visitors to the subject property. The conduct described by the Opponents may and probably does adversely impact on the livability of the Applicant's neighbors, however there is no legal basis upon which to deny the requested Conditional Use Permit. Neither approval nor denial of the Applicant's request can assure any change in the conduct which is the subject of complaint.

The requested use complies with the requirements Section 44.030 of the Klamath County Land Development Code:

A. The use complies with policies of the Comprehensive Plan.

The Applicant is in compliance with this criterion.

B. The use is in conformance with all other required standards and criteria.

The RS zone allows as a conditional use an additional dwelling on a lot or parcel greater than 20,000 square feet in size. The Applicant meets this requirement as the appropriate CUP application was made and the lot size is approximately 23,952

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square feet in size.

C. The location, size, design and operating characteristics of the proposed use will not have a significant adverse impact on the livability, value or appropriate development of abutting properties and the surrounding area.

The parcel is of sufficient size to support an additional dwelling. The proposed dwelling is a new doublewide manufactured home which meets the standard of manufactured home placement within the Urban Growth Boundary.

There is no legal basis upon which to deny the requested conditional use permit.

ORDER

It is hereby ordered that the requested conditional use permit 14-95 is granted.

DATED THIS 18th day of July, 1995

chail I. 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 ____lst____day of ______A.D., 19_95___at _10:41____o'clock _A___M., and duly recorded in Vol. _____M95____, of ______On Page _____18921_____. Bernetha & Letsch, County Clerk By Apute ______Mage_____