

BEFORE THE HEARINGS OFFICER OF KLAMATH COUNTY, OREGON

In the Matter of the Request for a
Conditional Use Permit by

TED LINDOW,

Applicant.

CUP 77-97

ORDER

1. NATURE OF THE REQUEST:

The applicant wishes to establish a pre-1976 mobile home (1974 doublewide) on property zoned for rural use within the Bley-Was Subdivision at Bly, Klamath County, Oregon. This request was heard by the Hearings Officer on September 5, 1997, pursuant to ordinances 44 and 45. The request was reviewed for conformity with Land Development Code 51.330(K).

2. NAMES OF THOSE WHO PARTICIPATED:

The Hearings Officer in review of this application was Neal G. Buchanan. The applicant appeared and offered testimony in support of the application. Additional individuals who offered testimony included Caralee Kurutz, Steve Leonardo, Steve Campbell, John Richmond, Gordon Hevern, Lily Hevern and Curt Allen. The Planning Department was represented by Carl Shuck, and the recording secretary was Karen Burg.

3. LOCATION:

The property under consideration is generally located within the Bley-Was Subdivision, in Bly, Klamath County, Oregon.

4. RELEVANT FACTS:

The applicant proposes to place a 1974 doublewide mobile home on the subject property. The applicant and Caralee Kurutz both testified that the mobile home would be placed on a foundation, and would be fitted with decks, landscaping, a pitched roof with eaves, and have the appearance of a manufactured dwelling (or possibly dwelling constructed on site).

5. FINDINGS:

All evidence submitted as the Staff Report, Exhibits A - _____ and offered testimony show that approval criteria for the placement have been satisfied, subject to certain conditions. The review criteria set forth at Code Section 44.030 provide that the review body may grant a Conditional Use Permit subject to such reasonable conditions based on findings of fact that it deems necessary to

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assure compliance with the Klamath County Comprehensive Plan, Land Development Code, and sound land use planning principles. The Hearings Officer finds that allowing a pre-1976 mobile home to be placed in the Bley-Was Subdivision without, as a condition of such placement, requiring certain conditions which will bring the mobile home into a degree of conformity with post-1976 manufactured dwellings, would have a significant adverse impact on the livability, value or appropriate development of abutting properties. As a result, the Hearings Officer finds it necessary to incorporate those certain conditions set forth at paragraph 6 hereinafter.

6. ORDER:

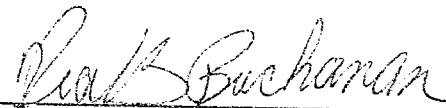
Therefore, it is ordered that the request of Ted Lindow for CUP 77-97 is approved subject to the following conditions:

1. The mobile home placed on the property shall be the 1974 doublewide, photographs of which are in evidence;

- a. The mobile home as so placed shall have a living space of no less than 1400 square feet;
- b. The mobile home as so placed shall have a pitched roof with eaves;
- c. The 1974 doublewide shall be placed on a full foundation;
- d. Decks shall be constructed appurtenant to the doublewide mobile home as so placed;
- e. Landscaping shall be completed appropriate to the area;

2. This CUP will expire two years from the date below unless utilized or an extension is approved by the Planning Director.

Dated this 15 day of September, 1997.



NEAL G. BUCHANAN
Hearings Officer

NOTICE OF APPEAL RIGHTS

You are hereby notified that this Order may be appealed to the Klamath County Board of Commissioners by filing with the Klamath County Planning Department a notice of appeal as set out in Section 33.040 of the Klamath County Land Development Code, together with the fee required within seven (7) days of the mailing date of this Order. Failure to file a notice of appeal within the time provided will result in the loss of your right to appeal this decision.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County Hearings Officer the 16th day
of Sept. A.D., 19 97 at 9:29 o'clock A. M., and duly recorded in Vol. M97,
of Deeds on Page 30286
Return: Commissioners Journal By Bernetha G. Letsch, County Clerk
Kathleen Raza

FEE No Fee