

BEFORE THE HEARINGS OFFICER KLAMATH COUNTY, OREGON

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

CUP 91-97

PARK DEVELOPMENT GROUP, L.L.C.,

ORDER

Applicant.

A. NATURE OF THE REQUEST:

The applicant wishes to establish a 112 Unit Mobile Home Park facility on approximately 18.5 acres zoned RS (Suburban Residential). The request was heard by the Hearings Officer on January 16, 1998, pursuant to Ordinances 44 and 45. The request was reviewed for conformity with Land Development Code Articles 51 and 44.030. The matter had been previously heard by Hearings Officer Michael Brant, but was continued for further evidence with reference to the impact of additional traffic upon the adjacent neighborhoods.

B. NAMES OF THOSE WHO PARTICIPATED:

The Hearings Officer in review of this application was Neal G. Buchanan. A representative of the applicant appeared and offered testimony in support of the application. The Planning Department was represented by Kim Lundahl, and the recording secretary was Karen Burg. In addition to those offering testimony at the hearing before Hearings Officer Michael Brant, persons offering testimony at the hearing of January 16, 1998 included Francis Roberts, Jim Warford and Doug Adkins.

C. PROPERTY LOCATION:

The property under consideration is generally located North of the Stewart Lenox area (North of Balsam Drive) on the West side of State Highway 140. An abbreviated legal description is Portion of NE 1/4 NW 1/4 Section 7, Township 39, Range 9 EWM.

D. RELEVANT FACTS:

The property has an implementing zone of RS (Suburban Residential). The parcel to be developed is approximately 18.5 acres in size. The planned facility is to utilize a portion of the total property for establishment of the Mobile Home Park, with a portion of the property reserved for subsequent development (which such future development is not dealt with by this Order).

98 JAN 30 AM 11:35

E. EVIDENCE RECEIVED:

Received were the Staff Report and Application with attachments and Exhibits A through AA.

F. FINDINGS:

The Hearings Officer finds with reference to this application that:

1. Timely notice of the application and hearing has been provided by the Klamath County Planning Department to appropriate surrounding landowners and to those agencies of concern.
2. The use appears to be in conformance with policies of the Comprehensive Plan.
3. The use appears to be in conformance with all other required Standards and criteria of the Code.
4. The property is located in Klamath County, but is within the City of Klamath Falls Urban Growth Boundary. The City of Klamath Falls requires, as a pre-condition for providing sewer and water services, that the applicant consent to possible annexation by the City of Klamath Falls, at the city's discretion. The property owner has agreed to consent to the city's right to annex the subject property.
5. The property is bounded to the south by the city of Klamath Falls, and to the East by State Highway 140. Butte, Cortez, Diamond and Emerald Streets extend to the property's Southern border, and serve the adjoining neighborhood. The existing homes along Butte, Cortez, Diamond and Emerald Streets are a mixture of frame homes, single wide manufactured homes and double wide manufactured homes. The homes range in size from about 700 square feet or less up to about 2,000 square feet. The maintenance levels and conditions of the homes vary. A single residence consisting of two manufactured homes borders the property to the West.
6. The proposed manufactured home park would include 112 manufactured homes and a community center, all served by lighted paved streets. Each home will be required to have residential type siding and composition roofs. Each home will have off street parking. Individual site landscaping will be required. An on site manager will be provided.
7. Each home will be served by city water and city sewer. Each system presently has sufficient capacity to meet the needs of the proposed use and will not be adversely affected. City sewer and water lines presently extend to the property's Southern border. An additional water main will be extended to the property, at applicant's expense, from approximately 750 feet to the Southwest. Electrical service is available from Pacific Power and

Light. Fire protection will be provided by Fire District #4, located two blocks South of the property. Police protection will be provided by the Klamath County Sheriff's Department. If annexed by the City of Klamath Falls, it has been assumed that the city would thereafter provide police protection.

8. Access to the property will be provided to the property from Cortez and Emerald Streets. The plat does show what might appear to be an access onto Highway 140, but access to Highway 140 has not been approved. Cortez and Emerald Streets intersect Balsam Drive and continue southward to State Highway 66, mitigating the proposal's impact on Balsam Drive. The applicant presented a traffic impact study of the proposed development (contained in a Mackenzie Group letter dated January 15, 1998) which concluded that the proposed project would not have a significant adverse impact on the streets. It thus appears that the proposal will not have a significant adverse traffic related impact on the abutting properties or surrounding areas.

9. Klamath County Public Works Department requested a requirement regarding the containment of water runoff from the property. The applicant has agreed to provide for 100% detention of waters generated on the subject property. The applicant has agreed that the facilities for surface water detention will be designed by a licensed professional engineer, constructed under the supervision of a licensed professional engineer, and after completion, inspected by a licensed professional engineer who will certify that the surface water detention facilities have been constructed as designed, and are sufficient to assure 100% detention of surface water generated on the property on the property.

10. Klamath County Public Works Department has requested that a requirement be included with reference to the controlled release of storm water runoff from the property. Evidence submitted indicates that this requirement can be met. As a result, the proposal will have no adverse impact on surrounding properties related to storm water runoff.

11. DEQ requires that an erosion control plan be filed and approved prior to the start of construction to mitigate surface run off impacts during construction.

G. ORDER:

Therefore, it is ordered that the request of Park Development Group, L.L.C. for CUP 91-97 is approved, subject to the following conditions:

1. The applicants shall comply with the provisions or agreements contained in Findings Of Fact (Paragraph F) numbers 4,6,7,8,9, 10 and 11.

3. This CUP will expire two years from the date below unless a development permit is obtained or an extension is approved by the Planning Director.

DATED this 30th day of January, 1998

Neal G. Buchanan
NEAL G. BUCHANAN
Hearings Officer

NOTICE OF APPEAL RIGHTS

You are hereby notified this application 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 33.004 of the Klamath County Land Development Code, together with the fee required within SEVEN DAYS following the mailing date of this order.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County the 30th day
of January A.D., 19 98 at 11:35 o'clock A. M., and duly recorded in Vol. M98
of Deeds on Page 2966
Return: Commissioners Journal By Bernetha G. Lettsch, County Clerk
FEE No Fee By Kathleen Rose