

98 OCT -7 P2:14

## BEFORE THE HEARINGS OFFICER OF KLAMATH COUNTY, OREGON

In the Matter of the Request for a Conditional Use )

Permit by: Lunda )

) ORDER

) CASE NUMBER CUP-51-98

## 1. NATURE OF THE REQUEST

The applicant, has applied for a permit install a mobile home for use as a night watchman's residence. The land in question is Zoned IH and is currently used as a wrecking yard. This request was heard by the hearings officer September 18, 1998. The request was reviewed for conformance with Klamath County Land Development Code Article 53.

## 2. NAMES OF PARTICIPANTS

The hearings officer reviewing this application is Joan-Marie Michelsen. The applicant failed to appear and offered no testimony beyond what was in the application. The planning department was represented by Kim Lundahl. The recording secretary was Karen Burg.

## 3. LOCATION OF AND OVERVIEW OF PROPERTY

7242 1/2 Hilyard Ave, on the south side of Hilyard just west of the Watson intersection.

## 4. MATERIALS CONSIDERED

All evidence submitted by the applicant and located in the Staff Report was considered as was the oral testimony given at the hearing. As well as the written testimony submitted by numerous persons.

## 5. FINDINGS

The Hearings officer FINDS AS FOLLOWS:

- a. The development of this type of structure is not included in the permitted uses for this zoning but may be approved conditionally under some circumstances.
- b. That the applicant has the burden of proof in any land use decision and therefore it is the applicants responsibility to show that the proposal meets the criteria delineated in the plan.
- c. The applicant failed to appear and offer testimony to rebut the testimony of others who did attend the hearing.
- d. There was significant concern raised about the traffic that this would cause.
- e. There was testimony that this structure was not needed as they already had an office with facilities and a cot on the premises.
- f.

## 6. ORDER

Therefore, it is hereby ordered that the applicants request to install a mobile home is denied.

Dated this 7<sup>th</sup> day of October, 1998

  
Joan-Ellen Michelson  
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 (7) following the mailing date of this order.

STATE OF OREGON: COUNTY OF KLAMATH : ss.

Filed for record at request of Klamath County the 7th day  
of October A.D., 1998 at 2:14 o'clock P. M., and duly recorded in Vol. M98  
of Deeds on Page 36956.

Return: Commissioners Journal

Bernetha G. Letsch, County Clerk

FEE

No Fee

By Kathleen Rose