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**CONDITIONAL USE PERMIT
HEARINGS OFFICER REVIEW/DISPOSITION**

APPLICATION NO./REVIEW DATE: CUP 81-98

H.O. Hearing: 10-16-98

APPLICANT/REPRESENTATIVE: Keith HICKS
P.O. Box 153.
Beatty, OR 97621

CUP to establish pre '76 mobilehome ('73 singlewide) on property zoned RCR as conditionally permitted per LDC section 51.030K

LOCATION: NE corner of Qlidis and Henwas Loop Rd., Bly.

LEGAL DESCRIPTION: Lot 12, Blk 6 Bley-Was 3714-3DB-3400

ACCESS: existing roadnet

ZONE/PLAN: RCR

UTILITIES:

EXHIBITS:

WATER: Well

FIRE: Bly RFPD

a. Site Plan

ELECTRIC: Pacific

SEWER: Septic

b. EHS memo

c. Additional Conditions

NARRATIVE AND RECOMMENDATION: The applicant wishes to establish a pre '76 mobilehome on property zoned for rural use in Bly. Notification was sent out to interested agencies and adjacent property owners and **NO NEGATIVE RESPONSE** was received. Consideration of this application is allowed per Article 51.030K and Article 44 of the Code. Staff recommends Hearings Officer approval subject to Code requirements for manufactured home placement as established by Environmental Health Services, and Building Department, subject to the following.

1. A placement permit must be obtained/approved within two years of the date set out below or this permit is null and void; and 2. Additional Conditions, Exhibit c.

DISPOSITION: APPROVED this 16 ^{NOVEMBER} day of **OCTOBER**, 1998


Joan-Marie Michelsen, Hearings Officer

FOR J-M M

NOTICE OF APPEAL RIGHTS:

You are hereby notified this decision may be appealed to the Klamath County Board of County Commissioners by filing with the Planning Department a notice of appeal together with the required fee within SEVEN days following the date of mailing of this decision.

BEFORE THE HEARINGS OFFICER OF KLAMATH COUNTY, OREGON

In the Matter of the application by:
KEITH HICKS

)
) ORDER
) CASE NUMBER 81-98
)

FINDINGS

- a. Both the applicant and the opposition have been very cooperative in providing the hearings officer with information and this is appreciated.
- b. All photos and other submitted materials have been carefully reviewed.
- c. The trailer is marginal for this development and would not have been permitted to be located in the other part of the subdivision.
- d. The applicant has stated that this will be an owner occupied home, the opposition was concerned that it might really be a rental.
- e. A home of this type is not suitable for and shall not be used as a rental.
- f. The hearings officer finds that there is a dispute regarding the architectural control committee and neither takes a position on that matter, nor relies on any statements made by any person regarding the acceptability or lack thereof as it relates to this dwelling. Nothing in this order or decision is intended to in any way take a position or rely upon either sides opinion in that dispute.

ORDER

Therefore, it is hereby ordered that the applicants request to develop a pre-1976 Mobilehome is approved subject to the following conditions:

- a. That approval is obtained for on-site sewage disposal and that the applicant provides proof of clearance from the Environmental Health Services Division and Building department within two (2) years following the date of this order, or obtain an extension of time, or this approval will be void.
- b. That the applicant complies fully with fire safety and other siting standards of the Land Use Code as set out in Article 69 of the LDC.
- c. That the applicant receive approval for and develop an on-site well or other source of water consistent with LDC 55.06(C)(4).
- d. The applicant has submitted a landscaping and decking proposal. This is ordered to be completed before the applicant moves in, however, the applicant may chose to wait until spring before actually planting the planter boxes, shrubs and trees. However, the deck, ramp, any stairs, roofs and planter boxes will be complete before occupancy.
- e. The site will be developed in such a way as to leave as many trees between the trailer and the street as possible.
- f. This application is for an owner occupied home and is being approved on that basis. If and when the owners no longer wish to occupy the premises this permit shall expire.

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- g. The applicant is forbidden to occupy the location until the manufactured dwelling is approved for occupancy by the County Building Department and all conditions of this order have been met.

Dated this 16th day of November,
1996


Joan Marie Michelsen
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 18th day
of Nov A.D. 19 98 at 2:04 o'clock P M., and duly recorded in Vol. M98
of Deeds on Page 42163
FEE none Ret: Commissioners Journal
By Bernetha G. Letsch County Clerk
Kathleen Rose