

BEFORE THE HEARINGS OFFICER OF KLAMATH COUNTY, OREGON

In the Matter of the Request for a Conditional Use)

Permit by: ROB KINCAID)

ORDER

CASE NUMBER CUP-51-98

1. NATURE OF THE REQUEST

The applicant, has applied for a permit install a mobile home. This request was heard by the hearings officer January 22 and again February 19, 1999. The request was reviewed for conformance with Klamath County Land Development Code Article.

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

Lot 23 blk 27 NRP.

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 by the department.

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 about why this was an appropriate use.
- d. That the applicant was notified on two occasions that he needed to appear.
- e. That the applicant had no contact with the department excusing his absence.
- f. That the photograph shows an older unit which would be problematic at best.

6. ORDER

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

Dated this March 1 1999

Joan-Marie Michelsen
Hearings Officer

NOTICE OF APPEAL RIGHTS

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Your 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 2nd day
of March A.D., 1999 at 10:53 o'clock A. M., and duly recorded in Vol. M99
of Deeds on Page 7238

Return: Commissioners Journal

Linda Smith, County Clerk

FEE

Mp Fee

by

Kathleen Ross