

BEFORE THE HEARINGS OFFICER

KLAMATH COUNTY, OREGON

1 In the Matter of Request for)
 2 Conditional Use Permit 79-2) Klamath County Planning Department
 3 for Judith W. Carnahan,) FINDINGS OF FACT AND ORDER
 4 Director, K.I.D. Center/Head)
 5 Start, Applicant)

6
 7
 8
 9 A hearing was held in this matter at Klamath Falls,
 10 Oregon on February 14, 1979, pursuant to notice given in con-
 11 formity with Ordinance No. 35, Klamath County, before Klamath
 12 County Hearings Officer, Jim Spindor. The Applicant was pre-
 13 sent. The Klamath County Planning Department was represented
 14 by Carl Shuck. The Hearings Reporter was Susan Baggett.

15 Evidence was presented on behalf of the Department and
 16 on behalf of the Applicant. There were several adjacent pro-
 17 perty owners present who stated they had objections to the
 18 proposed Conditional Use Permit requested by the Applicant.

19 The following Exhibits were offered, received, and
 20 made a part of the record:

21 Klamath County Exhibit A, the Staff Report
 22 Klamath County Exhibit B, the Photographs
 23 Klamath County Exhibit C, the Klamath County Assessor's
 24 map showing the subject property
 25 Klamath County Exhibit D, a Letter from the Klamath
 26 County Health Department
 27 Klamath County Exhibit E, a Letter from DEQ signed
 28 by R. Smith

979 MAR 6 PM 3 08

1 Applicant's Exhibit 1, the Plot Plan

2 The hearing was then closed, and based upon the evi-
3 dence submitted at the hearing, the Hearings Officer made the
4 following Findings of Fact:

5 FINDINGS OF FACT:

6 1. The site is adequate in size and shape to house the
7 proposed activity and fits in with the neighborhood as is shown
8 by the testimony presented at the hearing that this area of
9 Klamath County is in need of day care facilities for children.

10 2. The site has adequate access to streets and high-
11 ways to carry the traffic flow generated by the proposed use,
12 provided the conditions listed herein below are complied with.

13 3. There would be no adverse affect on the abutting
14 property owners; although there was some testimony in opposition
15 to the granting of this permit, those objections will be
16 alleviated provided that the conditions listed herein below
17 are complied with.

18 4. The granting of this permit is consistent with
19 the Goals of LCDC.

20 5. This Conditional Use Permit is granted, contingent
21 upon the Applicant's complying with each of the following con-
22 ditions: 1. Applicant must meet all requirements of the
23 Department of Environmental Quality. 2. Applicant must meet
24 all requirements of the Klamath County Health Department.
25 3. Transportation of children to and from the property in
26 question shall be provided by Applicant, so as to avoid the
27 traffic flow which would be generated by each parent delivering
28 and picking up their child or children. 4. The Applicant shall

1 erect adequate fences around all play areas for the children,
2 within 60 days from the date of this order.

3 The Hearings Officer, based on the foregoing Findings
4 of Fact, accordingly orders as follows:

5 That real property described as the

6 "Township 39S, Range 9, East of the
7 Willamette Meridian, Section 31, Tax
Lot 4400, Klamath County, Oregon"

8 is hereby granted a Conditional Use Permit in accordance with the
9 terms of the Klamath County Ordinance No. 35 subject to the
10 above-mentioned conditions. The granting of this permit does
11 not allow a use which is not authorized in the particular zone.

12 Entered at Klamath Falls, Oregon, this 5th day of

13 MARCH, 1979.

14
15 KLAMATH COUNTY HEARINGS DIVISION

16
17 By *[Signature]*
Hearings Officer

18
19
20 STATE OF OREGON; COUNTY OF KLAMATH; ss.

21 Filed for record at request of Klamath County

22 this 6th day of March A. D. 1979, at 3:08 clock P. M., or

23 duly recorded in Vol. 179, of Deeds on Page... 5029

24 Wm D. MILNE, County Clerk

25 No Fee

26
27
28 By *[Signature]*