

78663

BEFORE THE HEARINGS OFFICER

Vol. 79 Page 28634

KLAMATH COUNTY, OREGON

In the Matter of Request for)
Conditional Use Permit No. 79-34) Klamath County Planning
for Elizabeth Switzler, Applicant) FINDINGS OF FACT AND ORDER

A hearing was held in this matter at Klamath Falls, Oregon, on November 14, 1979, pursuant to notice given in conformity with Ordinance No. 35, Klamath County, before the Klamath County Hearings Officer, Jim Spindor. The applicant was present. The Klamath County Planning Department was represented by Carl Shuck and Jonathan Chudnoff. The Hearings Reporter was Barbara Thomson.

Evidence was presented on behalf of the Department and on behalf of the applicant. There were no adjacent property owners present who stated they had objections to the proposed Conditional Use Permit requested by the applicant.

The following exhibits were offered, received, and made a part of the record:

Klamath County Exhibit A, the Staff Report
Klamath County Exhibit B, photos of subject property
Klamath County Exhibit C, Klamath County Assessor's Map of the subject property
Applicant's Exhibit No. 1, Plot Plan

The hearing was then closed, and based upon the evidence submitted at the hearing, the Hearings Officer made the following Findings of Fact:

FINDINGS OF FACT:

1 1. The site is adequate in size and shape to house
2 the proposed activity, and it does fit in with the neighborhood
3 as long as the conditions set hereinbelow are followed.

4 2. The site has adequate access to streets and highways
5 to carry the traffic flow which will be generated by the proposed
6 use.

7 3. There will be no adverse effect on abutting property
8 owners as long as the conditions set hereinbelow are followed.

9 4. No one testified in opposition to the Conditional
10 Use Permit.

11 5. The granting of this Conditional Use Permit is
12 consistent with the goals of the L.C.D.C.

13 6. This Conditional Use Permit is approved subject to
14 the following conditions:

15 CONDITIONS:

16 1. Applicant obtains a State Certification and file a
17 copy of it with the Planning Department.

18 2. Applicant meets requirements set forth by the
19 Building Department.

20 3. Day care center will be limited to a maximum of
21 twelve (12) children.

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

24 That real property described as the

25 "parcel of land approximately 10,000 square
26 feet in size, and generally located on the
27 south side of Barry Avenue near the corner
28 of Gary Street, being in the South Suburban
area, and more particularly described as Tax
Lot 4500, in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 11, Town-
ship 39, Range 9, Klamath County, Oregon"

29636
1 is hereby granted a Conditional Use Permit in accordance with the
2 terms of the Klamath County Zoning Ordinance No. 35, and, hence-
3 forth, will be allowed to operate a day care center in the RD
4 10,000 (Single Family Residential) zone.

5 Entered at Klamath Falls, Oregon, this 26th day of
6 December, 1979.

7
8
9
10
11 KLAMATH COUNTY HEARINGS DIVISION
12 BY D. J. Milne
13 Hearings Officer

14
15
16 STATE OF OREGON; COUNTY OF KLAMATH; ss.

17 Filed for record at request of Klamath County

18 this 27th day of December A. D. 1979 at 11:54 o'clock A. M., and

19 duly recorded in Vol. 479, of Deeds on Page 29634

20 Wm D. MILNE, County Clerk

21 By Berntha Phelps

22 no Fee