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Vol. ^m 81 Page 1543

BEFORE THE HEARINGS OFFICER

KLAMATH COUNTY, OREGON

In the Matter of Request for)
Conditional Use Permit No)
80-50 for Gerald Cannon,)
Applicant.)

KLAMATH COUNTY PLANNING
FINDINGS OF FACT, CONCLUSIONS
OF LAW AND ORDER

A Hearing was held on this matter at Klamath Falls, Oregon, on January 14, 1980, pursuant to notice given in conformity of Ordinance No. 35, Klamath County, Oregon, before the Klamath County Assistant Hearings Officer, JAMES R. UERLINGS. The applicant was present. The persons were present opposing the granting of said Conditional Use Permit. The Klamath County Planning Department was represented by 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 Exhibits A through D; and 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 AND CONCLUSIONS OF LAW - PAGE 1

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1 findings of fact:
2

3 FINDINGS OF FACT

4 1. The site for the proposed use is adequate in size
5 and shape to accomodate said use and all yards, spaces, walls
6 and fences, parking, loading, landscaping and other features
7 required to adjust said use with the land and uses in the
8 neighborhood will be adequately provided.

9 2. The site for the proposed use has adequate access
10 to streets and highways which are adequate in width and pavement
11 to carry the quantity and kind of traffic generated by the
12 proposed use. This finding is specifically made upon County
13 Exhibit "D", being a letter from Earl Kessler indicating that
14 there will be no traffic problems due to this proposed Conditional
15 Use Permit. The applicant developed the parking area as indicated
16 on its Plot Plan so that cars utilizing the existing driveway
17 could maneuver onto the applicant's property in such a way that
18 they exit the property by facing traffic.

19 3. The proposed use will have no adverse effect on
20 the abutting property or other permitted uses thereof, and it was
21 specifically found in the evidence that there are currently
22 existing other retail establishments in the immediate area con-
23 sisting of a grocery store within 1 block, and additionally, a
24 church and meeting hall within 1 block.

25 4. The following conditions are deemed necessary to
26 protect the public health, safety, and general welfare:

FINDINGS OF FACT AND CONCLUSION OF LAW - PAGE 2

a) The applicant shall follow the Plot Plan as exhibited by Applicant's Exhibit No. 1.

b) The applicant shall obtain all necessary city, state, and federal licenses, permits, and permissions as necessary.

c) The applicant shall follow any recommendations of Earl Kessler in constructing the parking area as stated in County Exhibit "D".

The granting of this permit is consistent with the LCDC Goals and Guidelines.

The Hearings Officer, based on the foregoing Findings of Fact, concludes that the granting of this permit complies with the conditions of Klamath County Ordinance No. 35, and the LCDC Goals and Guidelines.

The Hearings Officer, based on the foregoing, accordingly orders as follows:

That the real property described as:

Lot 41, first edition to Madison Park, located in the NW $\frac{1}{4}$, NW $\frac{1}{4}$, Section 1, Township 39, Range 9, Klamath County, Oregon.

is hereby granted a Conditional Use Permit in accordance with the terms of Klamath County Ordinance No. 35, and henceforth, will be allowed a home occupation in an RD 10,000 (Single Family Residential) zone.

Entered at Klamath Falls, Oregon, this 21st day of January, 1981.

KLAMATH COUNTY HEARINGS DIVISION

BY James R. Underwood
Assistant Hearings Officer

STATE OF OREGON; COUNTY OF KLAMATH; ss.

I hereby certify that the within instrument was received and filed for record on the 3rd day of February A.D., 19 81 at 11:17 o'clock A M., and duly recorded in Vol M81 of Deeds on Page 1543.

Fee \$ None

Commissioner's Journal

EVELYN BIEHN

CLERK

By Bernetha J. Letts Deputy