

BEFORE THE HEARINGS OFFICER

KLAMATH COUNTY, OREGON

In the Matter of the Request for)
Conditional Use Permit No.) KLAMATH COUNTY PLANNING
81-15 for GWEN WEST,) FINDINGS OF FACT, CONCLUSIONS
Applicant.) OF LAW, AND ORDER
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)
)

FINDINGS OF FACT -- Procedural

A Hearing was held on this matter at Klamath Falls, Oregon, on June 10, 1981. The Applicant was present in person and presented evidence. There were no witnesses appearing in opposition, however, there was correspondence from neighboring property owners opposing a conditional use permit. Klamath County Planning Department was represented by Jonathon Chudnoff. The Hearings Reporter was Barbara Thomson.

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

Klamath County Exhibits A through C; Applicant's Exhibit 1; and Opponent's Exhibit 1.

The Hearing was then closed for the purpose of receiving further testimony and the Hearings Officer advised the applicant that he intended to view the property in question. The property in question was viewed by the Hearings Officer subsequent to the Hearing.

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FINDINGS OF FACT AND CONCLUSIONS OF LAW - Page 1

FINDINGS OF FACT - The Merits

1. The site for the proposed home occupation is in a RD 10,000 Single-Family Residential Zone.

2. The physical view of the property in question shows that it is located at a "T" intersection of two streets, Barry Avenue and Gary Street, in Klamath County. The streets in this area appear to be narrower in width than a standard street in this suburban area. Parking of automobiles on the street is allowed in this area and further adds to the congestion of the traffic flow.

3. There appear to be a large number of small children who reside in the area and were dashing in and out of the street during the time the Hearings Officer viewed the property.

4. The proposed home occupation site is a strictly residential dwelling and is surrounded on all sides and across all streets by other residential property. There appears to be no other home occupations visible within the immediate area.

CONCLUSIONS OF LAW

1. I find the site for the proposed use is not adequate in size and shape to accommodate said use, and that the parking, landscaping and other features required to adjust said use with the land and its use in the neighborhood are not at present and cannot be adequately provided for. The strictly residential character of the neighborhood would be destroyed by the allowing of said use in the area.

1 2. The site for the proposed use does not have
2 adequate access to streets which are adequate in width and
3 pavement type to carry the quantity and kind of traffic generated
4 by this proposed use. The streets in the area are, or appear to
5 be, narrower than the average in this suburban area and with
6 the parking allowed in the street, it could cause considerable
7 congestion if this home occupation was allowed.

8 3. The proposed use will have a substantial ad-
9 verse affect upon abutting property owners and the permitted
10 uses thereof as it would tend to destroy the residential
11 character of the neighborhood.

12 4. The Hearings Officer finds that the granting of
13 this permit may violate Goal 12 of the LCDC Goals and Guidelines.

14 The Hearings Officer, based upon the foregoing Findings
15 of Fact and Conclusions of Law, hereby finds that the grant-
16 ing of this permit does not comply with the conditions of
17 Klamath County Ordinance No. 35, and all applicable LCDC Goals
18 and Guidelines.

19 The Hearings Officer, based upon the foregoing, accord-
20 ingly orders as follows:

21 That the real property described as:

22 Tax Lot 4600, SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 11, Town-
23 ship 36, Range 9, Klamath County, Oregon.

24 is hereby denied a Conditional Use Permit for a home occupation

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26 FINDINGS OF FACT AND CONCLUSIONS OF LAW - Page 3

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1 in a RD 10,000 Single Family Residential Zone in accordance
2 with the terms of Klamath County Ordinance No. 35, and will
3 not be allowed to operate said home occupation in the RD
4 10,000 Zone.

5 Entered at Klamath Falls, Oregon, this 29 day
6 of June, 1981.

7
8 KLAMATH COUNTY HEARINGS DIVISION

9
10 by James R. Uerlings
11 JAMES R. UERLINGS
12 Assistant Hearings Officer

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14 STATE OF OREGON; COUNTY OF KLAMATH; ss.

15 Filed for record at request of _____
16 this 6 day of JULY A. D. 19 81 at 1:59 o'clock P. M., and
17 duly recorded in Vol. NB1, of DEEDS on page 12093

18 NO FEE:

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26 By Evelyn Biehn, County Clerk
EVELYN BIEHN, County Clerk