

44140

BEFORE THE HEARINGS OFFICER
FOR KLAMATH COUNTY, OREGON

Review of) NO. 15-84
CONDITIONAL USE PERMIT) FINDINGS OF FACT, CONCLUSIONS
for) OF LAW AND DECISION ON REVIEW
DARRELL D. HANKINS) OF JULY 27, 1984 ORDER.

THIS MATTER came on for hearing before Klamath County Assistant Hearings' Officer, JAMES R. UERLINGS, on December 6, 1984, at 1:30 p.m. in the Klamath County Commissioners Hearing Room after an order was previously granted on July 27, 1984 in regard to the above matter.

The applicant was present at the review hearing in person and the Planning Department was represented by Jonathan Chudnoff. Also present at the hearing was an opponent to the application.

No additional exhibits were received in evidence.

The Assistant Hearings Officer, after reviewing the prior order and the evidence in testimony presented at the review hearing, makes the following findings of fact, conclusions of law and decision and incorporates the prior record and order in this decision.

FINDINGS OF FACT:

1. All findings of fact nos. 1 through 4 of the July 27, 1984 order are incorporated by this reference.

2. The opponent to the application indicated that there,

FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION ON
REVIEW OF JULY 27, 1984 ORDER

1 on occasion was a parking problem with customer vehicles legally
2 parking in the street adjacent to Mr. Hankins residence. She in-
3 dicated that although there were some problems with noise in
4 August and September, that her husband worked on days in October
5 and the noise created no problem.

6 KLAMATH COUNTY DEVELOPMENT CODE CRITERIA:

7 1. Klamath County Development Code Section 44.003
8 sets forth the criteria for consideration in the application of
9 a conditional use permit:

10 A. That the use is conditionally permitted in the
11 zone in which it is proposed.

12 B. That the location, size, design and operating
13 characteristics of the proposed uses is in conformance with the
14 Klamath County Comprehensive Plan.

15 C. That the location, size, design and operating
16 characteristics of the proposed development will be compatible
17 with, and will not adversely effect, the livability or appropriate
18 development of abutting properties in the surrounding neighbor-
19 hood. Consideration shall be given to the harmony in scale, bulk,
20 and utilities; to harmful effects, if any, upon desirable neighbor-
21 hood character; to the generation of traffic and the capacity of
22 surrounding streets and to other relevant impact of the develop-
23 ment.

24 KLAMATH COUNTY DEVELOPMENT CODE FINDINGS AND CONCLUSIONS:

25 1. The proposed use is conditionally permitted in the
26 zone in which it is proposed.

2. The location, size, design and operating characteristics of the proposed use is in conformance with the Klamath County Comprehensive Plan.

3. The location, size and design and operating characteristics of the proposed use will be compatible with, and and will not have a significant adverse effect on, the appropriate development and use of the abutting properties in the surrounding neighborhood.

STATE-WIDE PLANNING GOALS AND REVIEW CRITERIA:

See Exhibit "AA" attached hereto and incorporated by this reference.

CONCLUSIONS OF LAW AND DECISION:

1. This request for a conditional use permit on the subject property does meet all the applicable Klamath County Development Code criteria and policies governing such, with the inclusion of the conditions added herein.

2. This request for a conditional use permit is consistent with and complies with all applicable State-wide Planning Goals and review criteria, subject to the conditions imposed herein.

THEREFORE, it is hereby ordered that this request for a conditional use permit is granted on the property in question, subject to the following conditions:

A. This conditional use permit will be reviewed at the end of one (1) year at which time it will be determined whether the conditions are satisfactory to allow for compliance

20934

1 with the applicable Klamath County Development Code criteria.
2

3 B. The applicant may operate his repair business from
4 8:30 a.m. to 12 noon, Monday through Saturday. The applicant may
5 operate the business at other hours, so long as no engines,
6 motors or other equipment which emit noise of the same type and
7 character as a running engine are operated during the additional
8 business hours; i.e., the applicant may perform certain other
9 repairs to lawn mowers, chain saws, etc. during the time the
10 particular repair is being performed.

11 C. No piece of equipment, including those pieces of
12 equipment used for repairs and those pieces of equipment being
13 repaired, may be operated outside the closed doors of the shop.
14 Any time that the applicant is running the motor of the lawn
15 mower, chain saw, or other piece of equipment which he is re-
16 pairing, it shall be done inside the shop with the doors closed,
17 provided at all times that the applicant shall have available
18 adequate ventilation to remove all dangerous, noxious fumes from
19 the shop.

20 D. The applicant shall require all customers' cars to
21 be parked on his property and not on the street area, and no more
22 than three customers' cars may be present at one time.

23 DATED this 12 day of December, 1984.

24
25
26
JAMES R. BERLINGS
Assistant Hearings Officer,
Klamath County
FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION ON
REVIEW OF JULY 27, 1984
Page 4

STATE OF OREGON: COUNTY OF KLAMATH:ss
I hereby certify that the within instrument was received and filed for
record on the 17th day of December A.D., 1984 at 10:22 o'clock A M,
and duly recorded in Vol M84, of Deeds on page 20931.

Fee: NONE

EVELYN BIEHN, COUNTY CLERK

by: [Signature], Deputy