

KLAMATH COUNTY, OREGON

In the Matter of Request for)
Conditional Use Permit 11-85) Klamath County Planning
for Richard S. Shuck, Applicant.) Findings of Fact and Order

A hearing was held on this matter on March 21, 1985, pursuant to notice given in conformity with Ordinance No. 45.2, Klamath County, before the Klamath County Hearings Officer, Jim Spindor. The applicant was present. The Klamath County Planning Department was represented by Jonathan Chudnoff. The Hearings Reporter was Judy Whitaker.

Evidence was presented on behalf of the Department and on behalf of the applicant. There were no adjacent property owners present.

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

Klamath County Exhibit A, Staff Report

Klamath County Exhibit B, Plot Plan

Klamath County Exhibit C, Assessor's Map

Klamath County Exhibit D, Comments from City Planner

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

CONCLUSIONS OF LAW

1. The proposed use is conditionally permitted in the zone within which it is proposed to be located.

2. The location, size, design, and operating

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1 characteristics of the proposed use are in conformance with the
2 Klamath County Comprehensive Plan.

3 3. The location, size, design and operating characteris-
4 tics of the proposed use will be compatible with and will not
5 have a significant adverse effect on the appropriate develop-
6 ment and use of abutting property and the surrounding
7 neighborhood.

8 4. The granting of this conditional use permit is
9 consistent with the goals of the L.C.D.C.

10 5. The requirements of Section 85.003 with regard to home
11 occupations have been met in that:

12 A. The occupation will be conducted entirely
13 within a dwelling;

14 B. The occupation will not be the primary use
15 and it will be operated by the residents of the
16 property.

17 C. The business will not employ more than five
18 full- or part-time employees;

19 D. No equipment will be used except such as
20 may be used for purely domestic or household
21 purposes;

22 E. No more than 25% of the floor area of
23 one story of the dwelling will be devoted to such
24 a home dwelling;

25 F. No accessory building will be used for the
26 home occupation;

27 G. The occupation will not require internal
28 or external alterations or involve construction

1 features to change the principal character or use of
2 the dwelling involved;

3 H. No sign will be used with regard to the
4 occupation;

5 I. There is adequate off-street parking which will
6 be maintained by the applicant;

7 J. There will be no storage of materials out of
8 doors.

9 6. This conditional use permit is granted subject to the
10 following conditions:

11 A. The loop driveway should be reserved for client
12 parking, with employee parking to be in the breezeway
13 area behind the house as is shown on the applicant's
14 plot plan, which is Exhibit "B" herein;

15 B. The present business schedule shall be maintained,
16 this schedule being 8:00 a.m. to 5:00 p.m., Monday through
17 Friday;

18 C. The planning director shall review this permit
19 every twelve months following the date the permit is
20 issued, and may continue the permit if the home occupa-
21 tion continues to comply with the requirements of
22 Article 85 of the Klamath County Land Development Code.

23 FINDINGS OF FACT

24 The requested use has been granted with conditions based
25 on the following findings of fact:

26 1. The applicant operates an accounting and tax business
27 currently located at 5440 South 6th Street. He and his wife,
28 who is his partner in the accounting and tax business, intend

1 to buy a large house on a one-acre lot at 4242 Summers Lane
2 and to relocate their business there. The two owners operate
3 the business with three full-time employees.

4 2. According to the owner, there are seldom more than
5 two clients in the office at one time. Most of the business is
6 conducted by mail. The property in question is in the Suburban-
7 Residential zone; it is rectangular in shape, being approximately
8 1.03 acres.

9 3. The applicant gave uncontested testimony as follows
10 with regard to the proposed home occupation:

11 That the occupation will be conducted entirely within
12 the residence and that no accessory building will be used.

13 That the occupation will not be the primary use of the
14 property and that it will be operated by him and his wife,
15 who will be living on the property.

16 That the business will not employ more than five full-
17 or part-time persons.

18 That no equipment will be used except such as may be used
19 for purely domestic or household purposes.

20 That no more than 25% of the floor area of one story of
21 the dwelling will be devoted to the home occupation.

22 That the occupation will not require internal or external
23 alterations or involve construction features that will change
24 the principal character or use of the dwelling involved.

25 That no sign is intended to be used.

26 That there is adequate off-street parking which will be
27 maintained.

28 That there will be no outdoor storage of materials with

1 regard to the home occupation.

2 4. The property is located within the Klamath Falls
3 urbanized area; neither agricultural nor forest land would
4 be affected.

5 5. The house in question is about 100 feet away from
6 the nearest home to the south, 30 feet away from the house to
7 the north, and over 160 feet away from houses across the street
8 to the east. No adverse effects on nearby homes are anticipated
9 since the proposed business does not cause noise, pollution, or
10 heavy traffic.

11 6. No one testified in opposition to the granting of
12 this permit, and no evidence was presented that there would be
13 any adverse effects to abutting property or the surrounding
14 neighborhood by the granting of this permit.

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

17 That real property described as:

18 "Being generally located at 4242 Summers Lane,
19 and more particularly described as being located
20 in Tax Lot 700, located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec-
tion 10, Township 39, Range 9,"

21 is hereby conditionally granted a conditional use permit in
22 accordance with the terms of the Klamath County Zoning Ordinance
23 No. 45.2, and, henceforth, will be allowed to establish a home
24 occupation (accounting office) in the RS (Suburban Residential)
25 zone.

26 Entered at Klamath Falls, Oregon, this 29th day of
27 March, 1985.

KLAMATH COUNTY HEARINGS DIVISION

Jim Spindor
Jim Spindor, Hearings Officer

28 C.U.P. 11-85
Page 5

STATE OF OREGON: COUNTY OF KLAMATH:ss
I hereby certify that the within instrument was received and filed for
record on the 1st day of April A.D., 19 85 at 3:06 o'clock P.M.,
and duly recorded in Vol M85, of Deeds on page 4718.

RETURN: COMMISSIONERS JOURNAL

Fee: \$ None

EVELYN BIEHN, COUNTY CLERK

by: *Pam Smith*, Deputy