

BEFORE THE HEARINGS OFFICER

63836

KLAMATH COUNTY, OREGON

Vol. 1280 Page 12668

1 In the Matter of Request for )  
2 Conditional Use Permit No. 26-86 )  
3 for Elaine Rose, Applicant )

Klamath County Planning  
Findings of Fact and Order

4 A hearing was held on this matter on June 19, 1986, pursuant  
5 to notice given in conformity with Ordinance No. 45.2, Klamath  
6 County, before the Klamath County Hearings Officer, Jim Spindor.  
7 The applicant was present. The Klamath County Planning Department  
8 was represented by Kim Lundahl. The Hearings Reporter was Janet  
9 Libercajt.

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

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

15 Klamath County Exhibit A, Staff Report

16 Klamath County Exhibit B, Plot Plan

17 Klamath County Exhibit C, Assessor's Map

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

21 CONCLUSIONS OF LAW:

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

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

27 3. The location, size, design and operating characteristics  
28 of the proposed use will be compatible with and will not have

1 a significant adverse affect on the appropriate development of  
2 abutting property and the surrounding neighborhood so long as  
3 the conditions set forth hereinbelow are followed:

4 4. The granting of this Conditional Use Permit is consistent  
5 with the goals of the LCDC.

6 5. The requirements of Section 85.003 with regard to home  
7 occupations have been met in that: (a) The occupation will be  
8 conducted entirely within the dwelling; (b) The occupation will  
9 not be the primary use and it will be operated only by the appli-  
10 cant; (c) The business will employ only the applicant; (d) No  
11 equipment will be used except such as may be used for purely  
12 domestic or household purposes; (e) No more than twenty-five per-  
13 cent (25%) of the floor area of one story of the dwelling is devoted  
14 to such home occupation; (f) Such occupation shall not require  
15 internal or external alterations, or involve construction features  
16 that change the principal character or use of the dwelling involved.

17 6. This Conditional Use Permit is granted subject to the  
18 following conditions:

19 CONDITIONS:

- 20 a. No persons other than the applicant shall participate  
21 in this occupation.  
22 b. No retail sales shall occur on the premises.  
23 c. No sign shall be permitted.  
24 d. The applicant shall follow all conditions set by appli-  
25 cable State and County agencies with regard to this occupation.

26 FINDINGS OF FACT:

27 . This request has been granted with conditions based on the  
28 following Findings of Fact:

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1 1. This request is for a Conditional Use Permit for a home  
2 occupation consisting of the manufacturing of barbeque sauce.  
3 The home occupation proposed is the preparation and packaging  
4 of barbeque sauce for wholesale distribution. The applicant has  
5 no plans to have retail sales from the premises.

6 2. The applicant has been complimented over the years as  
7 to the taste and quality of her sauce and has decided to market  
8 it as "Oregon Home Style" Barbeque Sauce in 10, 12, or 16-ounce  
9 bottles. The operation is intended to be very low-key with the  
10 applicant being the sole preparer of the product so long as it  
11 is made in her home.

12 3. The applicant will be making deliveries and no traffic  
13 will be generated by this request.

14 4. The applicant stated that she did not wish to have a  
15 sign on the premises.

16 5. The property is located approximately 165 feet northeast  
17 of Barry and Villa Drive. It is located in the Medium Density  
18 Residential zone. The residence is located in a well-maintained  
19 and quiet neighborhood.

20 6. Notice of this hearing was sent to the surrounding prop-  
21 erty owners, to concerned public agencies, and published in the  
22 Herald and News, the Klamath Falls newspaper.

23 7. No one testified in opposition to the granting of this  
24 permit, and no evidence was presented that there would be any  
25 adverse affects to the abutting property or the surrounding area  
26 by the granting of the permit.

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

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1 That real property described as **12671**  
2 "being generally located approximately 165 feet north-  
3 east of Barry and Villa Drive, and more particularly  
4 described as Tax Lot 1000 in Section 11, Township 39,  
Range 9, Klamath County, Oregon,"

5 is hereby conditionally granted a Conditional Use Permit in  
6 accordance with the terms of the Klamath County Zoning Ordinance  
7 No. 45.2, and, henceforth, will be allowed a home occupation in  
8 the RM (Medium Density Residential) zone.

9 Entered at Klamath Falls, Oregon, this 15<sup>th</sup> Day of July,  
10 1986.

11 KLAMATH COUNTY HEARINGS DIVISION

12  
13 *J. S. Spade*

14 Hearings Officer  
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STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of \_\_\_\_\_ the 21st day  
of July A.D., 19 86 at 8:45 o'clock A M., and duly recorded in Vol. M86,  
of \_\_\_\_\_ Deeds on Page 12668.

FEE NONE  
Return: Commissioner's Journal

Evelyn Biehn, County Clerk  
By *[Signature]*

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