

BEFORE THE HEARINGS OFFICER OF KLAMATH COUNTY, OREGON

In the Matter of the Request) C.U.P. 17-87
for a Conditional Use Permit) FINDINGS OF FACT, CONCLUSIONS
for BRYAN and GAIL CARPENTER.) OF LAW AND ORDER

This matter came before Hearings Officer William M. Ganong on June 18, 1987 in the Klamath County Commissioner's Hearing Room. The Hearing was held pursuant to the Notice given in conformity with the Klamath County Land Development Code and related ordinances. Bryan and Gail Carpenter, the Applicants, were present and represented themselves at the Hearing. The Klamath County Planning Department was represented by Mr. Carl Shuck and the Recording Secretary was Janet Libertajt. The Klamath County Planning Department file and all contents thereof were incorporated in the record as evidence. The County Hearings Officer, after reviewing the evidence presented, makes the following Findings of Fact, Conclusions of Law and Decision:

FINDINGS OF FACT:

1. The Applicant has requested a Conditional Use Permit for home occupation to operate a craft shop to sell yarn and other light craft items in a residential zone. The property is located approximately 115 feet south of Maryland Avenue on Homedale Road. The property is Klamath County Tax Assessor Account No. 3909-2DD-6500.

2. The proposed craft shop would be located in the Applicant's daughter's residence. The Applicant's daughter will be a full time employee and the only employee in the craft shop in addition to Applicant Gail Carpenter. Gail Carpenter testified

that her daughter is a partner in the craft shop that will be located on the subject property.

3. The Applicant testified that the shop will take up less than 250 square feet and that they expect 10 to 15 customers per day.

4. The plot plan submitted by the Applicant, Klamath County Exhibit B, shows that the subject property has adequate access from Homedale Road and adequate parking at the rear of the existing house.

5. The Findings of Fact and discussion contained in the Klamath County staff report is hereby adopted and incorporated herein by this reference.

KLAMATH COUNTY LAND DEVELOPMENT CODE CRITERIA

Klamath County Land Development Code Article 85 sets forth the criteria for granting a permit for a home occupation. Said article allows a home occupation to be sited in any residential zone. The subject property is located in the Suburban Residential Zone.

KLAMATH COUNTY LAND USE GOALS AND POLICIES COMPLIANCE

The Goals and Policy Findings on the Klamath County Planning Department Staff Report are hereby adopted and incorporated herein by this reference.

KLAMATH COUNTY CODE FINDINGS OF FACT AND CONCLUSIONS

The following Findings and Conclusions are made concerning the criteria set forth in Klamath County Land Development Code Section 85.003 (B):

1. The proposed occupation as described by the Applicant will be conducted entirely within the dwelling which will be occupied by the Applicant's daughter. The Applicant's daughter will be an employee and partner in the business.
2. The primary use of the property is by the Applicant's daughter as her personal residence. As stated above, the business will be operated by the Applicant and her daughter who resides on the property.
3. The business will employ only the Applicant and her daughter. They will have no other employees.
4. The only equipment which will be used in the business consists of shelving which will be used to store and display the craft items. There will be no equipment that does not have a domestic or household purpose.
5. The Applicant testified that the craft shop will take up approximately 250 square feet. The house is approximately 976 square feet in size. This permit is granted conditioned upon the craft shop not occupying in excess of 25% of the square footage of the house.
6. The use of the subject property for the home occupation of operating a craft shop will require no internal or external alterations and will not involve any construction changing the principal character or use as a dwelling.
7. The Applicants may have one sign, which said sign may not exceed six square feet in area and shall not be lighted.

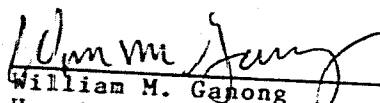
8. The plot plan shows that the Applicant will have more than adequate off street parking based on her estimation of 10 to 15 customers per day. If the Planning Director in his annual review finds that the craft shop is enjoying greater success than anticipated and there is insufficient off street parking, this permit shall be reviewed by the Hearings Officer.

9. There will be no outside storage of any materials used in the business.

CONCLUSIONS OF LAW AND ORDER

The subject application for a Conditional Use Permit to operate a home occupation of a craft shop is hereby granted subject to the Applicant continuing to comply with the criteria set forth in Land Use Development Code Section 85.003 (B) and subject to annual review by the Planning Director.

DATED this 1st day of July, 1987.


 William M. Ganong
 Hearings Officer

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County Planning Department the 7th day
 of July A.D. 1987 at 9:08 o'clock A M., and duly recorded in Vol. M87
 of Deeds on Page 11831.

FEE NONE

Return: Commissioners' Journal

Evelyn Biehn, County Clerk
 By 