

BEFORE THE KLAMATH COUNTY BOARD OF COMMISSIONERS

KLAMATH COUNTY, OREGON

Vol. 187

Page

12593

76978

1 IN THE MATTER OF THE APPEAL OF)
2 CONDITIONAL USE PERMIT 11-87 BY)
3 TERRY AND JANET DRESSELL)

ORDER #88-111

4 I. NATURE OF APPLICATION

5 A public hearing was held on this matter on June 23, 1987,
6 pursuant to notice given in conformity with Ordinance 45 and
7 appealed per Article 33, Section 33.002, Section 33.003, Section
8 33.004, and reviewed per Section 33.006. This hearing was held
9 before the Board of Commissioners. This request was an appeal of
10 the Hearings Officer decision to allow a home occupation for a
11 dental office in an accessory building.

12 II. NAMES OF THOSE INVOLVED

13 The applicants, Terry and Janet Dressell, were at the hearing
14 and testified as well as their representative, Brad Aspell, Attorney
15 at Law. The Planning Department staff was present, represented by
16 Carl Shuck. Klamath County Counsel, Michael Spencer, was present.
17 There was no oral or written opposition presented at the hearing.
18 Written data on the record before the Board of Commissioners was
19 submitted by Brad Aspell, Attorney at Law.

20 Exhibit G - Letter stating Brad Aspell is Applicant's Repre-
21 sentative

22 Exhibit H - Brad Aspell's outline of Hearings Officer record
23 of May 7, 1987, and Hearings Officer order dated May 27, 1987

24 III. LEGAL DESCRIPTION

25 Property located on the west side of Homedale Road and more
26 particularly located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 14, Township 39S,
27 Range 9EWM, being Tax Lot 800.

28 ///

25 JUL 15 1987

1 V. RELEVANT FACTS

2 The property is zoned RS (Suburban Residential) and per
3 Section 85.002 of the Land Development Code, states "Home occupa-
4 tions shall be conditionally permitted in any zone that allows
5 residential use." The site where the existing accessory building
6 is located for the home occupation is approximately half an acre
7 in size. The topography is generally flat with drainage to the
8 east towards existing drains. The parcel has access off of Homedale
9 Road, which has been improved with continuous left-hand turn lanes.

10 Public facilities and services are:

- 11 A. Schools - County School District
- 12 B. Water - City of Klamath Falls
- 13 C. Sewer - Existing 2000 Gallon Septic Tank
- 14 D. Utility Districts - Pacific Power and Light and Pacific
15 Northwest Bell
- 16 E. Klamath County Fire District No. 1

17 The following exhibits were offered, received, and read into
18 the record:

- 19 Exhibit A - Staff Report
- 20 Exhibit B - Plot Plan
- 21 Exhibit C - Assessor's Map
- 22 Exhibit D - Photographs
- 23 Exhibit E - Memo from Dept. of Health Services
- 24 Exhibit F - City of Klamath Falls Comments
- 25 Exhibit G - Letter from Brad Aspell dated June 22, 1987
- 26 Exhibit H - Outline of the record and Hearings Officer order

27 V. RELEVANT APPROVAL CRITERIA

28 Refer to Page 4 and Page 5 of the Staff Report and the Review

1 Criteria as listed in the Land Development Code under Article 85,
2 Section 85.003(B)(1-10), as follows:

3 "B. Conditions for Home Occupations - Approval of home
4 occupations shall be subject to the following findings:

- 5 1. That the occupation is conducted entirely within
6 a dwelling or a permitted accessory building.
- 7 2. That the occupation is not the primary use and is
8 operated by a resident of the property.
- 9 3. That the business will not employ more than five
10 full or part-time persons.
- 11 4. That no equipment is used except such as may be
12 used for purely domestic or household purposes.
- 13 5. That no more than twenty-five percent (25%) of the
14 floor area of one story of the dwelling is devoted
15 to such home occupation.
- 16 6. That the area of an accessory building used for a
17 home occupation may not exceed fifty percent (50%)
18 of the floor area of the residence.
- 19 7. That such occupation shall not require internal or
20 external alterations, or involve construction features
21 that change the principal character or use of the
22 dwelling involved.
- 23 8. That only one (1) sign shall be permitted on the
24 property, that said sign shall not exceed six (6)
25 square feet in the area, and shall not be lighted at
26 night.
- 27 9. That adequate off-street parking shall be
28 maintained; and
10. That any outdoor storage of materials be screened
from view of the street by a sight-obscuring fence
or hedge."

VI. FINDINGS

All evidence submitted, Klamath County Exhibit H, and testimony
to the Board of Commissioners given by representative, Brad Aspell
indicated that the approval criteria from Ordinance 45, Article 85
Home Occupation, specifically Section 85.003 (A and B)(1-10) has
been satisfied.

1 VII. CONCLUSIONS

2 The applicant has satisfied the notice of hearing in that
3 notice was given and also the Review Criteria of Section 85.003
4 (B)(1-10) has been satisfied per outline Klamath County Exhibit H
5 (see attached) submitted by Brad Aspell.

6 VIII. ORDER

7 Therefore, the Board of Commissioners overturns the Hearings
8 Officer order dated May 27, 1987, for a home occupation of a den-
9 tal office in an accessory building and approves the appeal of
10 Conditional Use Permit 11-87 for Terry and Janet Dressell.

11 Dated this 15 Day of July, 1987.

12 BOARD OF COMMISSIONERS

13 [Signature]
14 Chairman

15 [Signature]
16 Commissioner

17 [Signature]
18 Commissioner

19 Approved as to Form and Content:

20 [Signature]
21 Michael Spencer, County Legal Counsel

22
23
24
25
26
27
28
Appeal of C.U.P. 11-87/Dressell
Page 4

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County Planning Department the 15th day
of July A.D., 19 87 at 4:25 o'clock P.M., and duly recorded in Vol. M87
of Deeds on Page 12593.

FEE NONE
Return: Commissioners' Journal

Evelyn Biehn, County Clerk
By [Signature]