

## BEFORE THE HEARINGS OFFICER OF KLAMATH COUNTY, OREGON

In the Matter of the Request )	C.U.P. 21-87
for a Conditional Use Permit )	FINDINGS OF FACT, CONCLUSIONS
for CHARLES HARRELD and KAREN )	OF LAW AND ORDER
HARRELD.	)

This matter came before Hearings Officer William M. Ganong on July 2, 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. Charles Harreld and Karen Harreld were present at the hearing and represented themselves. The Klamath County Planning Department was represented by Mr. Kim Lundahl and the Recording Secretary was Donna Verling. 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 to operate a home occupation for the repair of automobiles, farm machinery and general repair pursuant to Article 85 of the Land Development Code in an EFU-CG Zone. The subject property is located generally in the Modoc Point area of Klamath County, and is Klamath County Tax Assessor Lot No. 3607-A0900-2000. The subject parcel contains approximately 8 acres.

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2. The Findings of Fact set forth in the Klamath County Planning Department Staff Report are adopted hereby and incorporated herein by this reference.

3. Mr. Harreld is a Klamath County Sheriff's Deputy who does general repair work during his spare time. The Harrelds constructed a shop building on their property. The said building was initially intended to be a barn. The building was constructed on an area which was previously a dump. The area of the shop building is generally unsuited for agricultural crops because of the prior use of that area as a dump.

4. Two residents of the Modoc Point-Chiloquin area, Alfred Edgar and L.V. Jones, testified that Mr. Harreld provides a valuable service to the agricultural landowners in that general area as his is the only shop in that area that works on farm equipment. They also testified that the Harrelds' property is well kept and that the shop area is fenced from view of the general public. Mr. Harreld is the only person that works in the shop and Mrs. Harreld keeps the books and does the billing for the shop.

KLAMATH COUNTY LAND DEVELOPMENT CODE CRITERIA

Klamath County Code Section 51.018 (C) sets forth the criteria which must be addressed in granting a permit for a nonfarm use on farmland. In addition, Article 85 of the Land Development Code sets out restrictions on a home occupation. Section 51.018 of the Land Development Code allows the use of

agricultural property for single family residents. Article 85 allows a home occupation on any land which allows residential use.

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

Pursuant to Code Section 51.018 (C) the following Findings and Conclusions are made:

1. This application for the use of an existing building on the subject property for the home occupation of general repair of equipment including farm equipment and motors will not interfere with accepted farming practices on adjacent lands. The subject building was originally intended as a barn. However, that use is not needed and the building is well adapted for use as a shop. The use of the building for a shop will in no way interfere with farming practices on adjacent lands. In fact, the only evidence in the record is that Mr. Harreld is the only shop in this particular area that is willing to work on farming machinery and equipment and is providing a valuable service to the agricultural land uses in the area.

2. The subject shop is located on land which was previously a dump. The land is generally not suitable for farm use, although a farm use. The general SCS Soil Classification for the Harreld property is Class III. A portion of the property is being used for agricultural purposes. However, the shop is located below an

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irrigation ditch on an isolated piece of land which makes that piece of land generally unsuitable for agricultural use and the prior use of the land as a dump further restricts its suitability for agricultural uses other than the use which is proposed by the Harrelds.

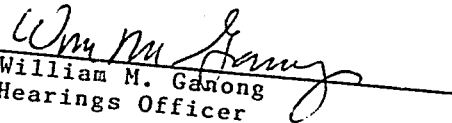
3. The subject property is located along State Highway 427. It has access to the shop area directly from said Highway. As the access is directly to the Highway, the access will not interfere with farm practices on surrounding lands.

4. The Harrelds must comply with the limitations on home occupations set forth in Code Section 85.003.

ORDER

The subject application for a Conditional Use Permit to operate a home occupation of general repair on the parcel of property described above is granted subject to the requirement that the applicant comply with the conditions on the operation of home occupations set forth in Section 85.003 (B).

DATED this 15th day of July, 1987.

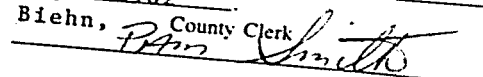
  
William M. Gansong  
Hearings Officer

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County Planning Department the 20th day  
of July A.D., 19 87 at 4:26 o'clock P.M., and duly recorded in Vol. M87  
of Needs on Page 12902.

FEE NONE

Return: Commissioners' Journal

Evelyn Biehn, County Clerk  
By 

HARRELD - C.U.P. - Page 4