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BEFORE THE HEARINGS OFFICER OF KLAMATH COUNTY, OREGON

In the Matter of the Request)
for a Conditional Use Permit)
for DELBERT REESE.)

C.U.P. 31-87
FINDINGS OF FACT, CONCLUSIONS
OF LAW AND ORDER

15 9 AM 6 57 1987

This matter came before Hearings Officer William M. Ganong on August 6, 1987 in the Klamath County Commissioner's Hearing Room. The Hearing was held pursuant to Notice given in conformity with the Klamath County Land Development Code and related ordinances. Delbert Reese was present at the hearing and represented himself. The Klamath County Planning Department was represented by Mr. Kim Lundahl and the Recording Secretary was Karen Burg. 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 of residential pesticide spray service pursuant to Article 85 of the Land Development Code in an R-1 Zone. The subject property is located generally in the Keller Road area of Klamath County, and is Klamath County Tax Assessor Lot No. 3910-18B-2900. The subject parcel contains approximately 2.5 acres.
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. Reese is currently operating this spray service from his residence on Coronado Way in Klamath Falls, Oregon. The business involves one pickup truck, two 100 gallon tanks and chemicals that are not toxic to human beings. The chemicals are stored in a tin building. The business operates three or four months per year and involves one part time employee in addition to Mr. Reese. The nearest neighbor to the subject property is approximately 1000 feet from the property.

KLAMATH COUNTY LAND DEVELOPMENT CODE CRITERIA

Article 85 of the Klamath County Land Development Code sets out the criteria for reviewing a home occupation application.

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

1. Article 85 of said Code allows a home occupation in any zone which allows residential use. The subject property is zoned R-1. Section 51.004 (B) allows single family residential in the R-1 zone.

2. The proposed home occupation will generally be conducted off the subject property. The only relevant use of the subject property will be the storage of chemicals, the storage of equipment and the business office of the occupation. All said activities will be conducted in a portion of the dwelling and the permitted storage building.

3. The primary use of the property will be as the residence of the Reese's. Mr. Reese will operate the business.
4. The business will employ Mr. Reese and one part time employee.
5. All of the equipment used by the business is commonly used for purely domestic or household purposes.
6. Approximately 600 square feet of the 2,500 square foot home will be used in the business.
7. The separate storage building for the chemicals contains 24 square feet of space.
8. The proposed home occupation does not require any internal or external alterations and will not change the principal character or use of the dwelling involved.
9. There will be no outside storage or materials.
10. There is adequate off-street parking provided for customers and employees of the business.
11. The applicant's plot plan shows no sign.

ORDER

The subject application for a Conditional Use Permit to operate the home occupation of a residential pesticide spray service 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 19th day of August, 1987.

15269

William M. Ganong
William M. Ganong
Hearings Officer

Klamath County Land Development Code Section 24.007 provides:

"An Order of the Hearings Officer shall be final unless appealed within ten (10) days of its mailing by a party having standing in accordance with the procedures set forth in Chapter 3, Article 33 of this Code."

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County Planning Dept. the 25th day
of August A.D., 19 87 at 9:15 o'clock A M., and duly recorded in Vol. M87
of Deeds on Page 15266

FEE NONE

Return: Commissioners' Journal

Evelyn Biehn, County Clerk

By [Signature]