

In the Matter of the Request)	C.U.P. 55-87
for a Conditional Use Permit)	FINDINGS OF FACT, CONCLUSIONS
for MARY RANDALL)	OF LAW AND ORDER
)	

This matter came before Hearings Officer William M. Ganong on January 21, 1983 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. The applicant represented herself at the hearing. The Klamath County Planning Department was represented by Mr. Carl Shuck 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. Mary Randall has applied for a Conditional Use Permit to operate an auto detail shop as a home occupation in a shop building at her personal residence at 2976 Hope Street, Klamath Falls, Oregon. The subject property is more particularly described as Klamath County Tax Lot 3909-11BA-2900.
2. The only employee, other than the applicant, of the business will be the applicant's son, Mike Randall.
3. The Applicant's residence contains 1192 square feet. The subject shop contains 1100 square feet. The Applicant shall limit her use of the shop to an area not larger than 600 square feet.
4. The subject property has a long driveway which serves the shop and which will provide adequate off street parking for the proposed occupation.

208 FEB 23 PM 4 26

5. The Applicant testified that it takes approximately one hour to wash a vehicle and four hours to detail one vehicle. Therefore, the number of automobiles coming to the property should not exceed ten per day.

KLAMATH COUNTY LAND DEVELOPMENT CODE CRITERIA

Klamath County Land Development Code Section 44.003 sets forth the criteria for granting a Conditional Use Permit in addition, Article 85 of said Code provides restrictions on the operation of home occupation.

KLAMATH COUNTY CODE FINDINGS OF FACT AND CONCLUSIONS

The following Findings of Fact and Conclusions are made concerning the criteria set forth in Klamath County Land Development Code Section 44.003:

A. The proposed use is conditionally allowed in the residential zone which applies to this property pursuant to Klamath County Land Development Code Section 51.005 and Article 85 of the Code.

B. The location, size, design and operating characteristics of the proposed use are in conformance with the Klamath County Comprehensive Plan. The Findings of Fact contained in the Klamath County Staff Report are adopted hereby and incorporated herein by this reference.

C. Subject to strict compliance by the applicants with the conditions set forth hereinafter, the location, size, design and operating characteristics of the proposed development will be compatible with and will not have a significant adverse affect on the appropriate development and use of abutting properties in the surrounding neighborhood.

ORDER

As proposed by the Applicant, the subject application for a Conditional Use Permit to conduct a home occupation is consistent with the provisions of the Klamath County Land Development Code and is approved, subject to the following conditions:

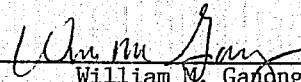
a. The applicant shall comply at all times with the "Conditions for Home Occupations" set forth in Code Section 85.003(B).

b. The Planning Director, or his designee, shall review the subject home occupation on an annual basis. If the Planning Director determines:

1. That the subject home occupation is in violation of the Conditions set forth in Code Section 85.003(B);
2. That the operation of the subject home occupation is not compatible with or is causing a significant adverse effect on the appropriate use of the surrounding neighborhood; or
3. That the subject home occupation has become a primary or co-primary use of the subject property;

then the Planning Director shall schedule a public hearing before the Hearing's Officer, or appropriate review authority, to determine whether or not the subject Conditional Use Permit is then in conformance with the Klamath County Comprehensive Land Use Plan.

DATED this 18th day of February, 1988.


William M. Gansong
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."

RANDALL - C.U.P. - Page 3

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County Planning Dept. the 23rd day of February A.D., 19 88 at 4:26 o'clock P M., and duly recorded in Vol. M88 of Deeds on Page 2633.

FEE NONE
Ret: Commissioners' Journal

Evelyn Biehn, County Clerk
By 