

In the Matter of the Request
for a Conditional Use Permit
for JAMES HUTCHINSON

) C.U.P. 52-87
) FINDINGS OF FACT, CONCLUSIONS
) OF LAW AND ORDER
)

This matter came before Hearings Officer William M. Ganong on January 21, 1988 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 was present and was represented by Bradford Aspell 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. James E. Hutchinson has applied for a Conditional Use Permit to operate a home occupation in an accessory building located at his residence. Mr. Hutchinson has applied for a Ski Doo snowmobile franchise and intends to sell and service snowmobiles and accessories on a seasonal basis.
2. The subject property is located at 4717 Gary Street, Klamath Falls, Oregon and is more particularly described as Klamath County Tax lot 3909 1700 14BB 2000.
3. The Applicant has been operating a snow mobile repair business at the same location since 1979. The Applicant is employed full time by Sears and intends to operate the business in the evenings and on weekends.

4. The business will be located in an existing shop building. Said building contains approximately 865 square feet. The Applicant's residence contains approximately 1785 square feet.
5. The business will not have any full time employees, involves no internal or external alterations of the building and no special equipment.
6. The Applicant does not expect more than 2 or 3 customer automobiles at the business at anytime. There is adequate off street parking on the subject property.
7. No nearby landowners or public agencies commented on this application.

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 subject use of a home occupation is conditionally allowed in the residential zone which applies to this property pursuant to Klamath County Land Development Code Section 51.007 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 applicant 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 compatable 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. 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 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 2639.

FEE NONE

Ret: Commissioners' Journal

Evelyn Biehn,

County Clerk

By Pam Smith