

BEFORE THE HEARINGS OFFICER OF KLAMATH COUNTY, OREGON

1 IN THE MATTER OF THE REQUEST FOR)
 2 CONDITIONAL USE PERMIT 21-88 FOR)
 3 BOB THOMPSON TO ESTABLISH AND)
 LOCATE A MONTESSORI PRESCHOOL)

FINDINGS OF FACT,
 CONCLUSIONS OF LAW, AND
 ORDER

4 This matter came before Special Hearings Officer, John Monfore,
 5 on July 21, 1988, in the Klamath County Commissioners' Hearing
 6 Room. The hearing was held pursuant to notice given in conformity
 7 with the Klamath County Land Development Code and related ordi-
 8 nances. The applicant's representative, Arlene Collins, appeared
 9 and testified at the hearing. Other people who appeared and
 10 testified at the hearing were Steve Gelhardt, Richard Ward, Kay
 11 Gamble, Jennifer Reanier, and Robin Mehl. The Klamath County
 12 Planning Department was represented by Carl Shuck, and the record-
 13 ing secretary was Karen Burg. The Klamath County Planning
 14 Department file and all contents thereof were incorporated into
 15 the record as evidence. The Special Hearings Officer, after
 16 reviewing the evidence presented, makes the following findings
 17 of fact, conclusions of law, and decision:

18 FINDINGS OF FACT:

19 1. Bob Thompson and representative, Arlene Collins applied
 20 for a Conditional Use Permit to locate a Montessori preschool at
 21 1774 Arthur Street.

22 2. The subject property is level with existing church
 23 building to be utilized as the Montessori school building.

24 3. The property is located in Section 3BA, Township 39S,
 25 Range 9EWM, Tax Lot 3100.

26 KLAMATH COUNTY LAND DEVELOPMENT CODE CRITERIA:

27 Klamath County Land Development Code Section 44.003 sets
 28 forth the criteria for granting a Conditional Use Permit.

1 KLAMATH COUNTY CODE FINDINGS OF FACT AND CONCLUSIONS:

2 The following findings of fact and conclusions are made con-
3 cerning the criteria set forth in Land Development Code Section
4 44.003:

5 A. The subject use is conditionally allowed in the RM
6 (Medium Density Residential) zone as applied to the property
7 pursuant to Land Development Code Section 51.007(C).

8 B. The location, size, design, and operating characteristics
9 of the proposed use are in conformance with the Comprehensive Plan.

10 C. Substantial written and oral testimony in the record
11 demonstrates the proposed use will be compatible with and will
12 not have significant adverse effects on the surrounding prop-
13 erties as to their use, enjoyment, and development.

14 ORDER:

15 The subject application for a Conditional Use Permit to
16 locate a Montessori preschool is granted subject to the following:

17 Prior to operation of the granted Conditional Use, the
18 applicant shall meet the following conditions:

19 1. Demonstrate that the school meets all State Fire Safety
20 Codes and Requirements.

21 2. Applicant shall meet any other State agency requirements
22 that deal with schooling of this nature.

23 3. Written procedures shall be sent to parents or guardians
24 specifying loading/unloading procedures to be off of Arthur Street
25 and to make use of circular driveway.

26 4. Contact shall be made with the Department of Public
27 Works to get signing on Arthur Street warning drivers of the
28 school and the potential for children and reestablishing the

1 speed limit sign.

2 5. The playground is to be fenced and cleaned up and
3 visually enhanced.

4 6. Notice shall be given to parents of the students about
5 not using the dirt street.

6 Dated this 23rd day of August, 1988.

7
8
9 John Monfore
10 John Monfore, Special Hearings Officer

11 Approved as to Form and Content:

12 Michael L. Spencer
13 Michael L. Spencer, County Legal Counsel
14

15 Klamath County Land Development Code Section 24.007 provides:

16 "An order of the Hearings Officer shall be final unless appealed
17 within ten (10) days of its mailing by a party having standing
18 in accordance with the procedures set forth in Chapter 3,
19 Article 33 of this Code."
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STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County the 25th day
of Aug. A.D., 1988 at 9:10 o'clock A.M. and duly recorded in Vol. M88
of Deeds on Page 13740.

FEE \$none

Evelyn Biehn County Clerk

By Pauline Mucienolore