

BEFORE THE HEARINGS OFFICER OF KLAMATH COUNTY, OREGON

In the Matter of the Request
for a Conditional Use Permit
for CONRAD CAILLOUETTE.

C.U.P. 27-88
FINDINGS OF FACT, CONCLUSIONS
OF LAW AND ORDER

This matter came before Hearings Officer William M. Ganong on September 1, 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. Conrad Caillouette, the Applicant, was present and represented himself at the Hearing. The Klamath County Planning Department was represented by Mr. J. 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 for home occupation to conduct scuba diving classes in a residential zone. The property is located at the Southwest corner of Redwood Drive and Maple Street. The property is Klamath County Tax Assessor Account No. 3909-5BC-2400.
2. The proposed scuba driving classes would be conducted in a family room 25' x 20' and existing 18' x 36' pool.
3. The plot plan submitted by the Applicant, Klamath County Exhibit C, shows that the subject property has adequate access

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from Redwood Drive and adequate off street parking for 14 automobiles. Family room 24' x 20' and a 18' x 36' existing.

4. The Findings of Fact and discussion contained in the Klamath County staff report is hereby adopted and incorporated herein by this reference. will not involve any construction.

KLAMATH COUNTY LAND DEVELOPMENT CODE CRITERIA

Klamath County Land Development Code Article 85 sets forth the criteria for granting a permit for a home occupation. Said article allows a home occupation to be sited in any residential zone. The subject property is located in the RL-Low Density Residential Zone. The dining room is on the main floor.

KLAMATH COUNTY LAND USE GOALS AND POLICIES COMPLIANCE

The Goals and Policy Findings in the Klamath County Planning Department Staff Report are hereby adopted and incorporated herein by this reference.

KLAMATH COUNTY CODE FINDINGS OF FACT AND CONCLUSIONS

The following Findings and Conclusions are made concerning the criteria set forth in Klamath County Land Development Code Section 85.003 (B):

1. The proposed occupation as described by the Applicant will be conducted entirely within the Applicant's property.
2. The business will employ only the Applicant and one assistant. The Applicant will have no other employees.
3. The only equipment which will be used in the business consists of that associated with normal residential use.

4. The Applicant testified that the diving school class will occupy the family room 24' x 20' and a 18' x 36' existing pool.
5. The use of the subject property for the home occupation of conducting scuba diving classes will require no internal or external alterations and will not involve any construction changing the principal character or use as a dwelling.
6. The Applicants may have one sign, which said sign may not exceed six square feet in area and shall not be lighted.
7. The plot plan shows that the Applicant will have adequate off street parking. If the Planning Director in his annual review finds that the scuba diving classes are enjoying greater success than anticipated and there is insufficient off street parking, this permit shall be reviewed by the Hearings Officer.
8. There will be no outside storage of any materials used in the business.

CONCLUSIONS OF LAW AND ORDER

The subject application for a Conditional Use Permit to operate a home occupation of scuba diving classes is hereby granted subject to:

1. The Applicant continuing to comply with the criteria set forth in Land Use Development Code Section 85.003 (B);
2. Classes shall be limited to ten students per session;
3. Compliance with OAR Chapter 333 Division 60 regulating public swimming pools; and

4. Subject to annual review by the Planning Director.

DATED this 20th day of September, 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 the Code."

STATE OF OREGON: COUNTY OF KLAMATH: ss. _____

Filed for record at request of Klamath County the 22nd day
 of Sept. A.D., 19 88 at 2:55 o'clock P.M., and duly recorded in Vol. M88,
 of Deeds on Page 15728.

FEE none

Evelyn Biehn County Clerk

By Pauline Mullendore

Return: Commissioners Journal