

## BEFORE THE HEARINGS OFFICER OF KLAMATH COUNTY, OREGON

In the Matter of the Request ) C.U.P. Case No. 32-89  
for a Conditional Use Permit ) FINDINGS OF FACT, CONCLUSIONS  
for G. L. Rodgers ) OF LAW AND ORDER

THIS MATTER came before Deputy Hearings Officer Michael C. Miller on August 17, 1989 in the Klamath County Commissioners' Hearing Room. The applicant was present and represented himself. The Klamath County Planning Department was represented by Carl Shuck and Karen Burg was the Recording Secretary. The Klamath County Planning Department file and all contents thereof were incorporated into the record as evidence. The Deputy Hearings Officer, after reviewing the evidence presented, makes the following Findings of Fact, Conclusions of Law and Decision:

FINDINGS OF FACT:

1. A. Three letters from surrounding property owners supporting the application were received. The letters, however, merely addressed the quality of the applicant's services and not the activities occurring on the property.

1. B. One letter in opposition to the application expressed concerns about the outside storage of vehicles and materials, the size the applicant's sign, and traffic on Shasta Way.

2. The applicant testified as follows:

a. The proposed occupation consisted of doing yardwork and hauling the resulting cuttings and trimmings to the land fill. The lawnmowers and related equipment were stored in a truck which did the hauling. No storage of cuttings or materials occurred on the property. The power equipment is repaired off

the property at commercial facilities.

b. The applicant also sells and delivers firewood. The logs were cut and split at another location. No cutting or storage of firewood occurs on the subject property.

c. The third activity which the applicant engaged in was snow plowing or removal. In winter a blade is fitted to one of the trucks used for hauling and the activity occurs off the subject property.

d. Billing and record keeping activities were conducted in the residence. No part of the residence was devoted exclusively to the home occupation.

e. The applicant testified that all of the activities were conducted by his many children and no employees were on the subject property.

3. The staff report contained photographs depicting the front of the property as seen from Shasta Way. In the photographs were a number of pickups and small trucks parked on a paved driveway. The vehicles were partially obscured by landscaping. It appeared that all of the vehicles were operable.

4. It was agreed by the applicant and the staff that the sign in front of the residence was larger than six square feet.

CONCLUSION AND ORDER:

1. The applicant's home occupation occurs almost exclusively off the subject property. A number of operating vehicles are stored on the property when not in use. Record keeping occurs within the residence.

2. The occupation is not the primary use and is operated by

residents of the property.

3. The home occupation will not employ more than five full or part time persons who are not residents of the property. The equipment used for the home occupation is consistent with domestic or household purposes.

4. Adequate off street parking exists. The outdoor storage of materials and vehicles is screened from the street by site obscuring hedges.

5. The sign advertising the home occupation exceeds six square feet in area.

6. The application is granted on condition that the applicant comply with all of the requirements of LDC 85.003, including but not limited to the following:

1. reduce the size of the sign advertising the home occupation to no more than six square feet;

2. the applicant not store trash, garden debris, or firewood on the property which does not originate on the property or is not intended for consumption on the property.

DATED THIS 25th day of August, 1989.

*Michael C. Miller*  
 Michael C. Miller  
 Deputy 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."

G. L. RODGERS - C.U.P. File No. 32-89 -3-

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County the 30th day  
 of Aug. A.D., 19 89 at 9:39 o'clock A.M., and duly recorded in Vol. m89  
 of Deeds on Page 16234

FEE none

Evelyn Biehn, County Clerk

By *Pauline Mullins*

Return: Commissioners Journal