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Vol. m90 Page 13188BEFORE THE HEARINGS OFFICER OF KLAMATH COUNTY, OREGON

In the matter of the request
for the Conditional Use Permit
for MICHAEL AND JUDY
ANZO

)
)
) CONDITIONAL USE PERMIT
) NO. 30-90
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)

This matter came before Neil D. Smith, Hearings officer for Klamath County, Oregon on 29 June 1990 in the County Commissioners' Hearing Room in Klamath Falls Oregon.

The Hearing was held pursuant to notice given in conformity with the Klamath County Land Development Code and related Statutes and Ordinances. MS. JUDY ANZO, Applicant for the above referenced permit was present and testimony from Ms Anzo was received in favor of the permit. The Klamath County Planning Department was represented by Mr. Carl Shuck and the proceedings were recorded by Ms. Karen Burg.

The report prepared by staff was read and the contents thereof were received in evidence; Exhibit "A" (staff report), Exhibit "B" (tax assessor's plat map), Exhibit "C" (photo.s), Exhibit "D" (ltr. from Mr. Loren G. Blackman with information) Exhibit "E" (site plan) Based upon the evaluation of the testimony and consideration of the evidence received, the Hearings Officer makes the following FINDINGS OF FACT AND CONCLUSIONS OF LAW AND MAKES THE FOLLOWING DECISION.

FINDINGS OF FACT:

1. The Applicant is requesting a Conditional Use Permit to place a Residence upon a .71 acre site in a RH Zone under section 44.003 para. A-C.
2. The property is located East of Crest Street and West of the 1-C drain, and approximately 450 feet North of Hilyard Ave. described as "a portion of section 3, T. 39S R 9E ; Tax Lot 3700.
3. Ms. Anzo spoke in favor of the conditional use permit.
4. The Staff recommends that the application be granted since it is compatible with other uses in the area.
5. The Applicant location is within the city of Klamath Falls, Fire District #1 and has water, electricity and sewerage through the South Suburban Sanitary District.
6. The applicant was informed regarding the type of land upon which this C.U.P. was to be granted and staff as well as the letter, exhibit D, showed possible building problems since it appears to have a very high water table. The

applicant was further informed that the hearings officer was NOT considering this condition in relation to the consideration of this matter.

KLAMATH COUNTY LAND DEVELOPMENT CODE CRITERIA :

1. Article 44 of the Land Development Code sets forth the criteria for granting a Conditional Use Permit.

2. Land Development Code Section 44.003 para. A-C provides that the following conditions must be met if a C.U.P. is to be granted.

" A. That the use is conditionally permitted in the zone in which it is proposed to be located.

B. That the location, size, design, and operating characteristics of the proposed use are in conformance with the Klamath County Comprehensive Plan.

C. That the location, size, design and operating characteristics of the proposed development will be compatible with and will not have significant adverse effects on the appropriate development and use of abutting properties and the surrounding neighborhood. Consideration shall be given to harmony in scale, bulk, coverage, and density; to the availability of civic facilities and utilities; to harmful effects, if any, upon desirable neighborhood characteristics and livability; to the generation of traffic and the capacity of surrounding streets; and to any other relevant impact of the development.

KLAMATH COUNTY CODE FINDINGS AND CONCLUSIONS :

With respect to the application for a Conditional Use Permit the Hearings Officer makes the following FINDINGS:

1. The present Klamath County Land Development Code Criteria [section 44.003 A-C] permits the addition of a residence in this case.

2. The location, site plan, design and characteristics of the residence and its placement are in conformance with the Klamath County Comprehensive Plan. The property is served by fire, water, electrical, and sanitary services. The lot is of such a size that it will easily accommodate the proposed residence home using the present set-backs and will not effect adjoining property.

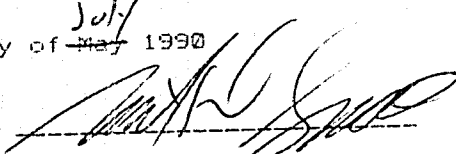
3. There was no testimony except in the form of a letter, exhibit D, from any other party interested in opposition to this application even though adjoining property owners were given adequate notice for this hearing.

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ORDER

The application for a Conditional Use Permit to site a residence above described property is granted.

DATED this 22nd day of July 1990


Neil D. Smith, 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 the 3rd day
of July A.D., 19 90 at 3:40 o'clock P.M., and duly recorded in Vol. M90
of Deeds on Page 13188
Evelyn Biehn County Clerk
By Pauline Mullins

FEE none

Return: Commissioners Journal