

BEFORE THE HEARINGS OFFICER OF KLAMATH COUNTY, OREGON

In the matter of the request)
)
of ELDON HILL)
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CONDITIONAL USE PERMIT
NO. HOPU 4-92

This matter came before Neil D. Smith, Hearings officer for Klamath County, Oregon on 7 August 1992 in the County Commissioners' Meeting Room in Klamath Falls Oregon. The Klamath County Planning Department was represented by Mr. Kim Lundahl, Senior Planner; the recording secretary was Ms. Karen Burg. The Klamath County Planning Department file and all the exhibits and other contents therein is incorporated by this reference into this matter.

The Hearing was held pursuant to notice given in conformity with the Klamath County Land Development Code and related Statutes and Ordinances. Mr. Eldon Hill, the applicant for the above referenced Home Occupation Permit, was present and testified. Mr. Eldon Hill's information was received and found to be in favor of the permit.

There were several citizens who expressed concerns about the operation of an Auto repair shop in the area.

Mr. Robert Poteet was concerned regarding the additional traffic which may use the street.

Mr. Darwin Russell expressed his annoyance with barking dogs on the property of the applicant, motor vehicle operators causing excessive tire noise and late night noise.

Mrs. Mildred Lewis summed up the objections of the above persons and stated that if the operation was conducted as a "good neighbor" that is being quiet and un-intrusive in the neighborhood and in a non confronting manner that there would be no serious objection to Mr. Hill's operation.

All who spoke agreed that most of the neighborhood problems had originated with a tenant who formerly occupied the premises concerned here, and that business hours of operation should be limited and specified.

In addition to the testimony given there were approximately five letters dated 3 August 1992 which were received in evidence, and considered by the Hearings Officer. Those letters expressed much the same concerns stated in the record and were written/signed by those who testified and others.

FINDINGS OF FACT

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1. Those property descriptions and application information contained in exhibit A are hereby made a part of the record and by this reference incorporated herein as findings of fact.

2. The proposed operational building is located away from the neighbors and operation in that building should not reach a level which substantially interferes with the peaceable occupation of other property owners. The applicant has submitted a diagram of the area to be used for the operation and the location of the shop within which his business will be conducted.

3. The Applicant's requested Home Occupational Use Permit permitted in this zone as a Home Occupation under authority of Article 85.020.

4. The Land Use Code, Section 85.040 provides for an annual inspection and review of the use to which the building will be put in order to assure continued compliance with the code and this order.

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

6. This Hearings Officer does not have authority to remedy or order the owner to control his dogs, nor can he limit the manner in which the public operates vehicles on Bisbee Street.

CONCLUSION

The Home Occupation which will be conducted here will not effect the present use of the surrounding property in any way different from that which has been done in the past. With the limitations placed on this operation by the Code and this order, this operation will not be inconsistent with the uses to which the adjacent properties are being used and those to which this parcel is presently being used.

ORDER

Based upon the findings and conclusion herein the Home Occupational Permit is granted SUBJECT TO THE FOLLOWING CONDITIONS.

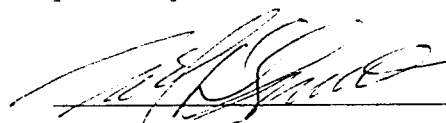
1. Operation of the facility will be permitted ONLY between the hours of 8 A.M. and 5.30 P.M. Monday thorough Friday and 8 A.M. thorough 12:30 P.M. on Saturdays. There will be no business operations conducted outside the times above nor shall there be any business operations conducted on Holidays.

2. STRICT compliance with Article 85, Section 020 E. will be required.

3. Periodic inspections in compliance with Article 85.040 and at other times the Planing Department deems appropriate will be required.

HOPU 4-92 CONTINUED
8 AUGUST 1992

DATED this 8th day of August 1992



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 seven (7) 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 11th day
of Aug. A.D., 19 92 at 2:06 o'clock P M., and duly recorded in Vol. M92,
of Deeds on Page 17885.

FEE none Evelyn Biehn ~ County Clerk

By Pauline Mullins

Return: Commissioners Journal