

BEFORE THE HEARINGS OFFICER OF KLAMATH COUNTY, OREGON

In the matter of the request
for the Conditional Use Permit
for DOUG HOWARD

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)
) **CONDITIONAL USE**
) **PERMIT NO. 5-93**
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This matter came before Michael L. Brant, Hearings officer for Klamath County, Oregon on March 19, 1993 in the Klamath 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. The County Planning Department was represented by Mr. Kim Lundal and the proceedings were recorded by Ms. Karen Burg. A report by staff was read and the contents thereof were received in evidence; Exhibit A (Staff Report), Exhibit B (Application Package and exhibits), Exhibit C (Photo), Exhibit D (Klamath County Fire District Number 1 Memorandum). Mr. Steven Riedy of Klamath County Fire District 1, testified in favor of the permit subject to imposition of certain conditions. 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 expand the existing home occupation auto repair facility (Crosstown Auto Repair) from one employee to a maximum of three employees pursuant to Klamath County Land Development Code Article 85.

2. The property is located on the West side of Tingley Lane South of the Southside Expressway in Klamath County, Oregon legally described as "Lots 14 and 15, Imperial Acres.

3. The applicants auto repair facility was originally permitted as a home occupation allowing one employee. His business (Crosstown Auto Repair) has expanded to the point where he can employ other mechanics. The expansion does not require an expansion of the size of the facility. The applicant is willing to comply with the operating constraints set out in Article 85.030 and the requirements of the 1991 Uniform Building Code, the 1991 Uniform Fire Code, 1991 Uniform Mechanical Code, and the National Electrical Code.

4. That the staff recommends that the application be granted.

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 Codes Article 85 sets forth the requirements for a home occupation.

KLAMATH COUNTY CODE FINDINGS AND CONCLUSIONS :

With respect to the application for a Conditional Use Permit to expand the existing home occupation auto repair facility to a maximum of three employees the Hearings Officer makes the following FINDINGS:

1. The present Klamath County Land Development Code Article 85 permits a home occupation auto repair facility not to exceed three employees.
2. The expansion of the home occupation auto repair facility from one employee to three employees does not require an expansion of the size of the facility and will not adversely impact the surrounding properties.
3. There was no testimony or evidence from any other party in opposition to this application even though adjoining property owners were given adequate notice of this hearing.

ORDER

The application for a Conditional Use Permit to expand the existing home occupation auto repair facility from one employee to a maximum of three employees is granted subject to the following:

1. The home occupation auto repair facility shall meet the requirements of the 1991 Uniform Building Code.
2. Shall meet the requirements of the 1991 Uniform Fire Code.
3. Shall meet the requirements of the 1991 Uniform Mechanical Code.
4. Shall meet the requirements of the National Electrical

Code.

5. In the event repairs or remodeling of the existing structures are required by law to take place a set of building plans must be submitted to the Fire District for review prior to construction or remodeling.

DATED this 23rd day of March 1993

Michael L. Brant

Michael L. Brant, Hearings Officer

KLAMATH COUNTY LAND DEVELOPMENT CODE SECTION 24.060 PROVIDES:

"An Order of the Hearings Officer may be appealed to the Board of County Commissioners within seven (7) days of its mailing as set forth in Article 33."

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County the 25th day
of March A.D., 19 93 at 9:24 o'clock AM., and duly recorded in Vol. M93,
of Deeds on Page 6044.

FEE none

Evelyn Biehn County Clerk

By Darlene Muelndore

Return: Commissioners Journal