

BEFORE THE HEARINGS OFFICER OF KLAMATH COUNTY, OREGON

In the matter of the request for a)
Conditional Use Permit for)

JIM DWYER.)

) CONDITIONAL USE PERMIT
) NO. 55-93
)

This matter came before Michael L. Brant, Hearings Officer for Klamath County, Oregon, on November 19, 1993, in the Klamath County Commissioner's Meeting 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 Klamath County Planning Department was represented by Mr. Kim Lundahl and 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 applicant was not present, but did submit written testimony in letter form to supplement his application.

FINDINGS OF FACT

1. The applicant has applied to legalize an existing worker residence at the Loveness Mill site east of Malin. The applicant's use of the facility, including the existing worker residence, was brought to the attention of the Klamath County Planning Department in May 1993.
2. The subject property is located north of Stateline, 1/4 mile east of Stastney Road, east of Malin, and is legally described as portions of East 1/2 West 1/2 Section 19, Township 41 South, Range 13 East, Willamette Meridian, tax account no. 4113-000-4700, and is accessed from Stateline Road. The property is zoned heavy industrial.

3. There is an existing well on the property. The property is served with electrical power and is within the Malin Rural Fire Protection District. The property has previously accommodated a residential dwelling.

4. The Klamath County Comprehensive Land Use Code, Article 53.4, section 53.430(d), permits a worker residential use in the heavy industrial zone.

5. The proposed use complies with the policies of the comprehensive plan. The use is in conformance with all other required standards and criteria of this code, and the location, size, design, and operation characteristics of the proposed use will not have a significant adverse impact on the livability, value or appropriate development of abutting properties in the surrounding area.

CONCLUSIONS OF LAW

The proposed use fulfills the requirements of the review criteria as set forth in Article 44 of the Klamath County Land Development Code, section 44.030.

ORDER

Based upon the findings and conclusions herein, the conditional use permit application is approved upon the following conditions:

1. The applicant must obtain from the Klamath County Environmental Health Services Division a final clearance for the proposed use by no later than January 3, 1994.

2. The applicant must obtain from the Klamath County Building Department all permits, inspections and approvals required by said department by no later than January 3, 1994.

3. The applicant, Jim Dwyer, his agents, employees, and invitees shall comply with all federal, state and county laws and ordinances with respect to the use and occupancy of the subject real property.

DATED this 30th day of November, 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 3rd day
of Dec. A.D. 19 93 at 2:56 o'clock P.M. and duly recorded in Vol. M93
of Deeds on Page 32199

Evelyn Biehn County Clerk
By Audrey M. Williams

FEE none