

## BEFORE THE HEARINGS OFFICER OF KLAMATH COUNTY, OREGON

In the Matter of the Request for a  
Conditional Use Permit by

NORMAN SEVEY, LILA SEVEY, STEVE HUGHES,  
and KATHY HUGHES,

Applicants.

CUP 1-95

ORDER

This matter came before Neal G. Buchanan, Hearings Officer for Klamath County, Oregon, on February 17, 1995, in the library conference 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. Exhibits received included the following:

- A. Staff Report
- B. Application and exhibits
- C. Klamath County Fire District #1 letter dated January 30, 1995
- D. Sandra L. Mick letter dated January 23, 1995
- E. Koenig letter dated February 1, 1995
- F. Agrons letter dated February 14, 1995
- G. Mick letter dated February 14, 1995

The applicants were present in person, and offered testimony.

Also present and offering testimony were the following: Kenny Fenstermacher, Stella Fenstermacher, Sandra Mick, Gary Mick, and Terry Talbot.

## FINDINGS OF FACT

The applicant requests a conditional use permit to establish an in-home office and use of property for shop, storage, and routine maintenance of well-drilling equipment on 2.37 acres

civilly described as 1407 and 1409 Pine Grove Road, situated generally east of Klamath Falls, Oregon. The property is presently zoned Rural/R-1. Access is by way of Pine Grove Road.

Authority for granting the requested permit is found in Article 85.030 of the Klamath County Land Development Code.

The applicant has requested an in-home office and use of the property and shop for storage and parking of well-drilling equipment when not on the job site. Such equipment includes 2 drill rigs, 2 helper trucks, 1 forklift, and some casing storage. The applicant has also requested the ability to perform routine maintenance on equipment.

The hearings officer finds that certain of the applicant's requests are not in conformity with Section 85.030, and that as a result, certain conditions should be placed upon approval of applicant's conditional use, as set forth hereinafter.

#### CONCLUSIONS OF LAW

Applicant's request for a conditional use permit for a home occupation, subject to the conditions set forth hereinafter, is compatible with the neighborhood in which it is located, and the character and appearance of both the use and the neighborhood can be maintained.

#### ORDER

IT IS HEREBY ORDERED that the requested conditional use permit is granted, subject to the specific conditions set forth in Section 85.030, as follows:

A. The use will be operated by a resident of the property on which the business is located; and

B. The use will employ not more than 3 full or part-time persons; and

C. The home occupation is conducted primarily within a dwelling or accessory building; as a result, outdoor storage of equipment shall not be allowed;

D. The business is not the primary use of the property;

E. The home occupation shall not occupy more than 25 percent of the total floor area of all structures located on the same property as the home occupation;

F. The use will not require internal or external alterations, modifications, or construction features that change the principal character of the use or structure involved;

G. One (1) off-street parking space is provided for each employee and one (1) off-street parking space is provided for each 300 square feet of gross floor area of the use;

H. The use will utilize a sign not greater than 6 square feet in the area; and

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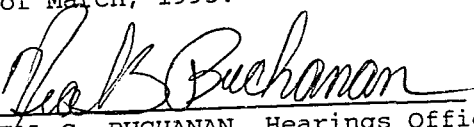
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I. Outdoor storage of materials shall be screened from view of the street and adjacent property by a sight-obscuring fence or hedge.

Dated this 14 day of March, 1995.

  
NEAL G. BUCHANAN, Hearings Officer

#### NOTICE OF APPEAL RIGHTS


You are hereby notified that this Order may be appealed to the Klamath County Board of Commissioners by filing with the Klamath County Planning Department a notice of appeal as set out in Section 33.040 of the Klamath County Land Development Code, together with the fee required within seven (7) days of the mailing date of this Order. Failure to file a notice of appeal within the time provided will result in the loss of your right to appeal this decision.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County the 16th day  
of March A.D., 19 95 at 11:26 o'clock A M., and duly recorded in Vol. M95  
of Deeds on Page 5902

FEE NONE

RETURN TO:  
Commissioners Journal

By  Bernetha G. Letsch, County Clerk