

## BEFORE THE HEARINGS OFFICER OF KLAMATH COUNTY, OREGON

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

) Conditional Use Permit  
) Case No. CUP 17-96  
)  
)  
)  
)

STEVE ROBNETT

This matter came before Michael L. Brant, Hearings Officer for Klamath County, Oregon, on April 5, 1996, in the Klamath County Museum 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 Klamath County Planning Department staff report was received. Based upon the evaluation of the staff report and consideration of the evidence received, the hearings officer makes the following findings of fact and conclusions and makes the following decision.

## FINDINGS OF FACT

The applicant requests a conditional use permit to establish a worker residence (single wide manufactured home) in conjunction with the Diamond S Meat Cutting business on the SE corner of Kings Way and Highway 39. The property is a portion of the NW 1/4 of S18, T39S, R10E, T.A. 3910-18-3300 and is accessed from Kings Way. The property is zoned Light Industrial/IL.

The meat packing business is a permitted use in the Light Industrial zone and therefor has been previously approved but has

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not commenced operation. The proposed establishment of a worker residence is one of the conditional uses listed in the Klamath County Land Development Code and may be approved if the proposed use meets the criteria set forth in Article 44, Section 44.030 A, B, and C.

The Applicant, the Applicant's wife and Ben Edwards testified in favor of the permit. Opposition to the granting of the permit was expressed both by oral testimony and written objections. The identities of the people who objected are contained in the record.

Opposition was based upon concern that adjoining property values would diminish with the proximity of a single wide manufactured home, the added use of water would deprive existing homeowners in the area of adequate water, there would be inadequate septic system drain fields, strangers would be drawn to the area, traffic to the area would increase and the safety of children would be placed in jeopardy. The oppositions expressed were apparent honest concerns but were speculative and conjecture. No facts were offered to validate the speculation.

The proposed use meets all of the conditional use criteria and requirements of the Klamath County Land Development Code Article 44, Section 44.030 A, B, and C.

#### CONCLUSION

There is no legal basis upon which to deny the requested conditional use permit.

#### ORDER

It is hereby ordered that the requested conditional use permit 17-96 is granted upon the conditions that the Applicant shall

comply with OAR Chapter 340 for On-site Sewage Disposal, obtain a site plan review and approval and comply with all other applicable Code requirements. The Permit for the commercial use must be obtained before issuance of the manufactured dwelling placement permit.

DATED THIS 6th day of April 1996 .

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 Planning the 9th day  
of April A.D., 19 96 at 9:03 o'clock AM., and duly recorded in Vol. M96,  
of Deeds on Page 9888.

FEE \$No Fee Return: Commissioners Journal

By Bernetha G. Letsch, County Clerk  
C. G. Letsch