

BEFORE THE HEARINGS OFFICER OF KLAMATH COUNTY, OREGON

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

JOHNNY F. MC GUIRE,

Applicant.

CUP 72-97

ORDER

97 SEP 11 P1:04

1. NATURE OF THE REQUEST:

The applicant wishes to establish a "worker residence" in conjunction with an established commercial use. The request was heard by the Hearings Officer on August 15, 1997, pursuant to Ordinances 44 and 45. The request was reviewed for conformity with Land Development Code 44.303.

2. NAMES OF THOSE WHO PARTICIPATED:

The Hearings Officer in review of this application was Neal G. Buchanan. The applicant appeared and offered testimony in support of the application. Floyd Bartram appeared and offered testimony. The Planning Department was represented by Carl Shuck, and the recording secretary was Karen Burg.

3. PROPERTY LOCATION:

The property under consideration is generally located on the NE corner of Jefferson and Cedar Streets, Beatty Township, Klamath County, Oregon.

4. RELEVANT FACTS:

The property has an implementing zone of CT. The applicant lists the size of the lot or parcel as 50 feet by 120 feet. The applicant proposes to place a three bedroom two-bath worker residential mobile home on the property.

5. EVIDENCE RECEIVED:

Received were the Staff Report and Application with attachments together with Exhibits B-F.

6. FINDINGS:

The Hearings Officer finds that worker residential utilization is a permitted conditional use pursuant to Section 52.830 of the Code, with review to be conducted pursuant to Section 44.030. This application:

1. Complies with the policies of the Comprehensive Plan;
2. The use is in conformance with all other required standards and criteria of the Code;
3. The location, size, design and operating 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; and
4. Witness Floyd Bartram raised the issue of whether or not the siting plan would in any way encroach upon an easement granted to Floyd Bartram for access to his nearby property. The concern is addressed in the Order below.

7. ORDER:

Therefore, it is ordered that the request of Johnny F. McGuire for CUP 72-97 is approved, subject to the following conditions:

1. The placement of the worker residence shall not encroach upon that certain easement recorded at Vol. M80, Page 10446 (including applicable setback requirement); and
2. The applicant must provide proof of clearance from the Environmental Health Services Division and Building Department within two years following the date of this Order, or obtain an extension of time, or this approval will become null and void.

DATED this 10th day of September, 1997.


NEAL G. BUCHANAN

Deputy Hearings Officer

NOTICE OF APPEAL RIGHTS

You are hereby notified this application 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 33.004 of the Klamath County Land Development Code, together with the fee required within SEVEN DAYS following the mailing date of this order.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County Planning the 11th day of September A.D., 19 97 at 1:04 o'clock p M., and duly recorded in Vol. M97 of Deeds on Page 29853.

Return: Commissioners Journal

FEE None

By Bernelha G. Letsch, County Clerk
