

BEFORE THE HEARINGS OFFICER OF KLAMATH COUNTY, OREGON

In the Matter of the Request for a Conditional Use)

Permit by: Jesse Withers)

ORDER

CASE NUMBER TUP-5-99

1. NATURE OF THE REQUEST

The applicant has applied for a Temporary Use Permit, TUP for a seasonal fair or gathering, to whit an outdoor swap meet. The land in question is Zoned CG and is currently not used. It was a car storage lot in the past however. This request was heard by the hearings officer May 21, 1999. The request was reviewed for conformance with Klamath County Land Development Code.

2. NAMES OF PARTICIPANTS

The hearings officer reviewing this application is Joan-Marie Michelsen. The applicant appeared and offered testimony. Additional testimony was offered by a number of residents of the area and various governmental entities. The planning department was represented by Kim Lundahl. The recording secretary was Karen Burg.

3. LOCATION OF AND OVERVIEW OF PROPERTY

3322 Laverne Ave at the corner of Laverne and Altamont.

4. MATERIALS CONSIDERED

All evidence submitted by the applicant and located in the Staff Report was considered as was the oral and written testimony given at the hearing or which was previously submitted.

5. FINDINGS

The Hearings officer FINDS AS FOLLOWS:

- a. The development of this type of use is not included in the permitted uses for this zone.
- b. That the applicant has the burden of proof in any land use decision and therefore it is the applicant's responsibility to show that the proposal meets the criteria delineated in the plan.
- c. There was significant concern raised about the traffic, parking area, the plan itself, potential toxic wastes, parking, fencing, entry into and off of the side streets in the area.
- d. That this area may or may not be appropriate for this type of use.
- e. That the City has raised some very specific concerns regarding this particular plan.
- f. That no final decision is being reached at this point on the concept of the applicant.
- g. That the applicant was cooperative but did not appear to take the concerns raised very seriously.
- h. That there are a number of other beneficial uses to the property.
- i. That the traffic of the area will not support this development.
- j. That the proposal as submitted is grossly deficient and fails to show how it will meet the requirements of the county regarding parking areas, handicapped accessibility, fencing, set backs for parking, landscaping, and sewage disposal.
- k. It is unclear to the hearings officer that the code permits a use under a TUP for a seasonal fair to extend virtually year round.

6. ORDER

Therefore, it is hereby ordered that the applicants request, based on this application is denied.

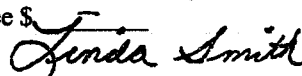
Dated this 26th day of May, 1999


Joan Marie Michelsen
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 (7) following the mailing date of this order.

State of Oregon, County of Klamath
Recorded 6/01/99, at 11:31 a.m.
In Vol. M99 Page 21422
Linda Smith, County Clerk
Fee \$



Return: Commissioners Journal