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BEFORE THE HEARINGS OFFICER  
KLAMATH COUNTY, OREGON

In the Matter of Request for Conditional Use Permit 78-1 for Dorman Turner for Washburn Enterprises, Applicant } Klamath County Planning  
FINDINGS OF FACT AND ORDER

A hearing was held in this matter at Klamath Falls, Oregon, on May 30, 1978, pursuant to notice given in conformity with Ordinance No. 35, Klamath County, before Klamath County Hearings Officer, Del Parks. The applicant was present accompanied by his attorney, Bud Smith, and Ron H. Lamson. The Klamath County Planning Department was represented by Carl Shuck. The Hearings Reporter was Isabel Rodriguez.

Evidence was presented on behalf of the Department and on behalf of the applicant. There were no adjacent property owners present who stated they had objections to the proposed Conditional Use Permit requested by the applicant.

The following Exhibits were offered, received and made a part of the record:

- Klamath County Exhibit A, the Staff Report
- Klamath County Exhibit B, photos of the subject property
- Klamath County Exhibit C, a Klamath County Assessor's map of the subject property
- Klamath County Exhibit D, a Klamath County Zoning map of the subject property
- Klamath County Exhibit E, Resolution from the Board of County Commissioners

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Applicant's Exhibit 1, Plot Plan

The hearing was then closed, and based upon the evidence submitted at the hearing, the Hearings Officer made the following findings of fact:

FINDINGS OF FACT

1. The Conditional Use Permit is allowed based on the finding that the area is of a proper size to facilitate the proposed use and that being the requirement that there be sixty spaces of parking in the first phase to insure that there is adequate parking. There is proper access to the subject site from the main arterial streets.

2. The applicant will be required to have substantially the amount of landscaping represented on Applicant's Exhibit No. 1

3. The Hearings Officer finds that not withstand the resolution, a permitted use in the C-3 Zone is any use permitted in a C-2 Zone which use would be sportings goods equipment sales and rentals for people who use a facility such as this are actually renting the facility.

4. The applicant will not be allowed to start on Phase II of the development without approval from the Planning Staff of the proposed Phase II Development especially that part which has to do with the parking necessary; but upon receiving approval from the Planning Director, it is not necessary that another hearing be held before the Hearings Officer.

5. There are no conditions other than parking and the required landscaping that are necessary for the public health, safety, and welfare.

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6. There was no evidence that would suggest that there would be any affect on the general adjoining property owners; and no one testified in opposition to the granting of this Variance.

The Hearings Officer, based on the foregoing Findings of Fact accordingly orders as follows:

That real property described as the

"parcel of land 3.03 acres in size generally located on the south side of Crosby Avenue, approximately 250 feet west of Washburn Way with Enterprise Tracts bordering on the west side of the proposed property and more particularly described as the westerly 210 feet of Lot 1, Block 6 of Washburn Park Tract No. 1080, NE 1/4 31, of Section 4, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon"

is hereby granted a Conditional Use Permit in accordance with the terms of the Klamath County Zoning Ordinance No. 17 and henceforth will be granted a Conditional Use Permit in order to construct a request ball court subject to the above-named conditions.

Entered at Klamath Falls, Oregon, this 21<sup>st</sup> day of June, 1966.

KLAMATH COUNTY HEARINGS DIVISION

By DeWalt  
Hearings Officer

16301

IN THE MATTER OF

C.H.P. 78-7

STATE OF OREGON

County of Klamath

AFFIDAVIT OF MAILING

FOR

Barney Turner for  
Washburn Enterprises.

The undersigned certifies that as an employee of the  
Klamath County Planning Department has mailed the foregoing on  
the parties on July 17, 1978 by depositing a copy  
of said findings of fact and order in a sealed envelope in the  
United States Mail at Klamath Falls, Oregon, with postage thereon  
fully prepaid and addressed to the said parties at their last  
known place of business or residence as follows:

County Recorders Office  
Court House Annex  
Klamath Falls, OR 97601

Clerk's Office  
Court House  
Klamath Falls, OR 97601

Washburn Enterprises, Inc.  
P.O. Box 1886  
Klamath Falls, OR 97601

Assessor's Office  
Court House Annex  
Klamath Falls, OR 97601

*Commissioner of Finance  
Klamath Falls*

*Barney Turner*  
Hearings Reporter

SUBSCRIBED and sworn to before me this 17 day of July, 1978.

*Barney Turner*  
Barney Turner for the State of Oregon  
Commissioner of Finance

STATE OF OREGON, COUNTY OF KLAMATH

I hereby certify that the within instrument was received and filed for record on the 3rd day of  
August A.D. 1978 at 8:25 o'clock PM and duly recorded in Vol. 478  
of Deeds on Page 164

SEE *Also*

W. H. MILNE, County Clerk

*Barney Turner*  
Barney