

1 In the Matter of Request for)
2 Conditional Use Permit No. 33-83) Klamath County Planning
3 for Achim and Arlette Bassler) Findings of Fact and Order
4)

5 A hearing was held on this matter on January 5, 1984, pursu-
6 ant to notice given in conformity with Ordinance No. 45.1, Klamath
7 County, before the Klamath County Hearings Officer, Jim Spindor.
8 The applicants were present. The Klamath County Planning Depart-
9 ment was represented by Jonathan Chudnoff. The Hearings Reporter
10 was Karen Alberto.

11 Evidence was presented on behalf of the Department and on
12 behalf of the applicants. There were no adjacent property owners
13 present.

14 The following exhibits were offered, received, and made a
15 part of the record:

16 Klamath County Exhibit A, Staff Report

17 Klamath County Exhibit B, Plot Plan

18 Klamath County Exhibit C, Assessor's Map

19 Klamath County Exhibit D, Photo

20 The hearing was then closed, and based upon the evidence
21 submitted at the hearing, the Hearings Officer made the following
22 Conclusions of Law:

23 CONCLUSIONS OF LAW:

24 1. The proposed use is conditionally permitted in the zone
25 within which it is proposed to be located.

26 2. The location, size, design and operating characteristics
27 of the proposed use are in conformance with the Klamath County
28 Comprehensive Plan, so long as the conditions set forth hereinbelow

1 are followed.

2 3. The location, size, design and operating characteristics
3 of the proposed use will be compatible with and will not adversely
4 affect the liveability of abutting property owners in the surround-
5 ing neighborhood.

6 4. The location, design and site planning of the proposed
7 use will provide a convenient and functional working and shopping
8 environment and will be as attractive as the nature of the use
9 and its location and setting warrant.

10 5. The granting of this conditional use permit is consistent
11 with the goals of the LCDC.

12 6. The granting of this conditional use permit is subject
13 to the following condition:

14 CONDITION:

15 a. Applicant shall provide the Klamath County Planning
16 Department with written proof that they have complied with any
17 and all conditions of the Oregon Liquor Control Commission with
18 regard to selling alcoholic beverages at the site.

19 FINDINGS OF FACT:

20 The requested conditional use permit has been granted based
21 on the following findings of fact:

22 1. The applicant makes this request to allow the sale of
23 alcoholic beverages in a restaurant which is to open soon at
24 3927 South Sixth Street, Klamath Falls, Oregon. The applicant
25 testified that to make the restaurant a financial success, it
26 will be necessary to obtain a liquor license and to sell alcoholic
27 beverages.

28 2. The property in question is 17,000 square feet in size,
C.U.P. 33-83
Page 2

1 being 100 feet by 170 feet. It is located in the General
2 Commercial zone. There is adequate parking for the restaurant
3 and adequate access to South Sixth Street.

4 3. The restaurant is located across South Sixth Street
5 from the Town and Country shopping center and on the same side
6 of the street as an office building, restaurant, a motel and
7 Kentucky Fried Chicken.

8 4. No one testified in opposition to the granting of the
9 conditional use permit, and there was no evidence that there would
10 be any detrimental affect to the public health, safety or welfare
11 or any detrimental affect on any abutting property owners.

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

14 That real property described as
15 "being generally located at 3927 South Sixth Street,
16 and more particularly described as Lots 77-80 of
17 Balsiger Tracts, Klamath County, Oregon,"
18 is hereby granted a Conditional Use Permit in accordance with the
19 terms of the Klamath County Zoning Ordinance No. 45.1, and,
20 henceforth, will be allowed the sale of alcoholic beverages in a
21 restaurant in the CG (General Commercial) zone.

22 Entered at Klamath Falls, Oregon, this 10th Day of January,
23 1984.

24 KLAMATH COUNTY HEARINGS DIVISION

25
26
27 Return to Commissioner's Office

[Signature]
Hearings Officer

28 C.U.P. 33-83

Page 3

STATE OF OREGON: COUNTY OF KLAMATH: ss
I hereby certify that the within instrument was received and filed for
record on the 10th day of January, 1984, at 10:00 AM, in page 1 of 1
and duly recorded in Vol MP4 of Deeds in page 1 of 1
Fee \$ None
EVERETT BLANK, COUNTY CLERK
by [Signature] Deputy