

1 In the Matter of Request for)
 2 Conditional Use Permit No. 5-84)
 3 for Albert Minnick, Applicant)
 4)

Klamath County Planning
 Findings of Fact and Order

5 A hearing was held on this matter on February 16, 1984,
 6 pursuant to notice given in conformity with Ordinance No. 45.1,
 7 Klamath County, before the Klamath County Hearings Officer,
 8 Jim Spindor. The applicant was present. The Klamath County
 9 Planning Department was represented by Jonathan Chudnoff. The
 10 Hearings Reporter was Karen Alberto.

11 Evidence was presented on behalf of the Department and on
 12 behalf of the applicant. 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 Klamath County Exhibit E, Highway Division Letter

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

24 CONCLUSIONS OF LAW:

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

27 2. The location, size, design and operating characteristics
 28 of the proposed use are in conformance with the Klamath County

'84 FEB 27 PM 4 23

1 Comprehensive Plan.

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 living environment and
8 will be as attractive as the nature of the use and its location
9 and setting warrant.

10 5. The granting of this Conditional Use Permit is consistent
11 with the goals of the LCDC.

12 6. This Conditional Use Permit is granted subject to the
13 following conditions:

14 CONDITIONS:

15 a. The applicant shall obtain a road approach permit as
16 required by the Oregon Highway Division, and shall supply written
17 proof of compliance with this condition with the Klamath County
18 Planning Department.

19 b. The applicant shall meet all requirements of the Oregon
20 State Highway Division with regard to having a sign on the
21 property in question and shall supply written proof that he has
22 complied with this condition to the Klamath County Planning
23 Department.

24 c. The applicant shall leave at least a vacant 25 foot
25 buffer area along the creek on the property.

26 d. Use of this property shall be limited to the display and
27 sales of farm machinery and no repairs of said machinery shall
28 be allowed on the property.

FINDINGS OF FACT:

1 The requested use has been granted with conditions based on
2 the following findings of fact:

3 1. The applicant makes this request for a farm machinery
4 display and sales area in the agricultural use zone. The property
5 consists of approximately 1.9 acres with a house and a large
6 metal shop building on it. The proposed business will involve
7 only an outdoor display area and no new building.

8 2. The parcel in question is separated from the irrigated
9 cropland to the south by seasonal creek and hedge. The Dairy
10 Tavern adjoins this property on the east. There is another
11 implement business, a cafe and a feed dealer to the north across
12 Highway 140.

13 3. The property is in SCS Capability Class II. There are
14 large parcels of irrigated cropland to the south and southeast
15 of this property. There are some natural and manmade buffers
16 that separate this property from the larger farm tracts and which
17 serve to avoid potential conflict. There are commercial and
18 residential parcels to the north and east.

19 4. No one testified in opposition to the granting of this
20 permit and there was no evidence presented that there would be
21 any detrimental affect to the public health, safety or welfare,
22 or any detrimental affect on abutting property owners, so long as
23 the conditions imposed herein are followed.

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

26 That real property described as
27 "being generally located on the south side of Highway
28

1 140, west edge of Dairy, and more particularly
 2 described as Tax Lot 3301, located in the SW $\frac{1}{4}$, NW $\frac{1}{4}$
 3 of Section 34, Township 38, Range 11 $\frac{1}{2}$, Klamath
 County, Oregon,"

4 is hereby granted a Conditional Use Permit in accordance with
 5 the terms of the Klamath County Zoning Ordinance No. 45.1, and,
 6 henceforth, will be allowed a farm machinery display and sales
 7 area in the Agricultural Use zone.

8
 9 Entered at Klamath Falls, Oregon, this 27th Day of
 10 February, 1984.

11
 12 KLAMATH COUNTY HEARINGS DIVISION

13 *[Signature]*

14 Hearings Officer

15
 16
 17 STATE OF OREGON,)

18 County of Klamath)

19 Filed for record at request of

20 on this 27 day of Feb. A.D. 19 84

21 at 4:20 o'clock P M, and duly

22 recorded in Vol. M84 of Deeds

23 Page 3093

24 **EVELYN BIEHN**, County Clerk

25 By *[Signature]* Deputy

26 Fee None

27 Return: Commissioners Journal