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BEFORE THE HEARINGS OFFICER
KLAMATH COUNTY, OREGON

In the Matter of a Request for)	C.U.P. No. 61-84
CONDITIONAL USE PERMIT)	
for)	FINDINGS OF FACT, CONCLUSIONS
LUCKY STEER RESTAURANT)	OF LAW AND DECISION

THIS MATTER came before the Assistant Hearings Officer, JAMES R. UERLINGS, on the 3rd day of January, 1985, at 1:30 p.m. in the Klamath County Commissioners Hearing Room. The hearing was held pursuant to notice given in conformity with the Klamath County Development Code and related ordinances. The applicant was represented by Mr. Gary E. Boling and the Planning Department was represented by Jonathan Chudnoff.

The following exhibits were marked, entered, and received into evidence and made a part of the record: Exhibits "A" through "D".

The Assistant Hearings Officer, after reviewing the evidence presented, makes the following findings of fact, conclusions of law and decision.

FINDINGS OF FACT:

1. The applicant, GARY E. BOLING, is the owner of the Lucky Steer Restaurant located at 3130 S. Sixth Street, Klamath Falls, Oregon. A conditional use permit is being sought in order to provide beer and wine service on the premises. The property is in a commercial district along South Sixth
- FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION

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1 Street. The Cimarron Restaurant to the West includes a lounge.
 2 Other adjacent uses include a Safeway store, a Chevron station and
 3 a shoe store across South Sixth Street; Swan Lake Lumber, a
 4 shoe store, a fabric store and a clothing store are to the East
 5 of the property. The OC&E railroad track is to the South.
 6 Grandpa Bailey's Restaurant and Denney's, which are within
 7 a 1/2 mile of the subject property, also have beer and wine service.

8 2. The subject property is located at 3130 S. Sixth
 9 Street, Klamath Falls, Oregon. The restaurant improvement is
 10 owned by Lucky Steer Restaurant and the ground underneath it
 11 is leased to the applicant by Swan Lake Moulding Company.
 12 The property is also described as a "portion of Tax Lot 3000,
 13 S 1/4, NW 1/4, Section 3, Township 39, Range 9, Klamath County,
 14 Oregon".

15 3. The plan designation of the property is General
 16 Commercial, the zone designation is CG and adjacent and/or
 17 surrounding zoning is CG.

18 4. Dimensions of the property are as outlined
 19 on Exhibit "B". The shape of the property is square. Vege-
 20 tation consists of landscaping around the building. The
 21 topography is level and drainage is provide by street-side drains.

22 KLAMATH COUNTY DEVELOPMENT CODE CRITERIA:

23 1. Klamath County Development Code Section 44.003
 24 sets forth the criteria for consideration in the application of
 25 a conditional use permit:

26 A. That the use is conditionally permitted in the
 FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION

1 zone in which it is proposed.

2 B. That the location, size, design and operating
3 characteristics of the proposed uses is in conformance with the
4 Klamath County Comprehensive Plan.

5 C. That the location, size, design and operating
6 characteristics of the proposed development will be compatible
7 with, and will not adversely effect, the livability or appro-
8 priate development of abutting properties in the surrounding
9 neighborhood. Consideration shall be given to the harmony in
10 scale, bulk, and utilities; to harmful effects, if any, upon
11 desirable neighborhood character; to the generation of traffic
12 and the capacity of surrounding streets and to other relevant
13 impact of development.

14 KLAMATH COUNTY DEVELOPMENT CODE FINDINGS AND CONCLUSIONS:

15 1. The proposed use is conditionally permitted in
16 the zone in which it is proposed.

17 2. The location, size, design and operating character-
18 istics of the proposed use will be compatible with, and will
19 not adversely effect, the livability and/or appropriate devel-
20 opment of abutting properties in the surrounding neighborhood.
21 In considering the location and operating characteristics
22 of the proposed development, it appears that they will be
23 compatible with, and will not have a significant adverse effect,
24 on the appropriate development and use of abutting properties
25 in the surrounding neighborhood.

26 * * * * *
FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION
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1 STATE-WIDE PLANNING GOALS AND REVIEW CRITERIA:

2 Compliance with the State-Wide Planning Goals and
3 review criteria was met by Klamath County on the subject
4 property at the time of the acknowledgement of Klamath County's
5 Comprehensive Plan.

6 CONCLUSIONS OF LAW AND DECISION:

7 1. This request for a conditional use permit on
8 the subject property meets all applicable Klamath County Develop-
9 ment Code criteria and policies governing such, with the
10 inclusion of the conditions added herein.

11 2. This request for a conditional use permit is
12 consistent with, and complies with, all applicable State-wide
13 Planning Goals and review criteria, subject to the conditions
14 set forth herein:

15 A. That the applicant follow the plot plan;

16 B. That the applicant use his best efforts to
17 keep loud noises to the minimum, and the exterior of this
18 property from automobile noises and patrons.

19 THEREFORE, IT IS HEREBY ORDERED that this request
20 for a conditional use permit on the subject property is granted,
21 subject to the above conditions.

22 DATED this 17 day of January, 1985.

23
24
25 Ret: Commissioners Journal

26 James R. Uerlings
JAMES R. UERLINGS
Assistant Hearings Officer

FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION

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STATE OF OREGON: COUNTY OF KLAMATH:ss

I hereby certify that the within instrument was received and filed for
record on the 17th day of January A.D., 19 85 at 3:06 o'clock P.M.,
and duly recorded in Vol M85, of Deeds on page 1038.

EVELYN BIEHN, COUNTY CLERK

by: Jim Smith, Deputy

Fee: \$ None