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Vol. 185 Page 5684

BEFORE THE HEARINGS OFFICER

KLAMATH COUNTY, OREGON

In the Matter of a Request for)
CONDITIONAL USE PERMIT)

C. U.P. 16-85

for)

FINDINGS OF FACT, CONCLUSIONS
OF LAW AND DECISION

JOHN ZINGG)

THIS MATTER came before the Assistant Hearings Officer,
JAMES R. UERLINGS, on the 4th day of April, 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, JOHN ZINGG, appeared in person 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 subject property is located on the southwest
corner of Hilyard and Washburn Way. The legal description
of the property is the North 200 feet of the east 290 feet
of Lot 5, Block 1, Tract 1080, Klamath County, Oregon.

2. The plan designation is industrial, the zone

FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION
-1-

1 designaiton is IL and adjacent and/or surrounding zoning is
2 IL and CG.

3 3. The physical dimensions of the property are
4 200' x 290' consisting of 1.33 acres. The shape is rectangular,
5 there is no vegetation and the topography is level.

6 4. General drainage consists of surface runoff
7 in a southerly direction.

8 5. Access to the property is off of Washburn Way
9 and Hilyard Avenues. The State Highway Department has
10 recommended that access be limited to an entrance and exit
11 way on the west one-half ($\frac{1}{2}$) of the property on Hilyard
12 Avenue only.

13 6. Sewer is provided by South Suburban Sanitary
14 District and water by the City of Klamath Falls.

15 7. Utility districts serving the property are
16 Pacific Power and Light, Pacific Northwest Bell and C.P.
17 National. The fire district serving the property is
18 Klamath County Fire District No. 1.

19 8. The applicant is currently the owner of the
20 Klamath Falls Army Store, now located at 320 S. Sixth Street.
21 He is proposing to re-locate the business to a new 110' x 100'
22 building on the southwest corner of Washburn Way and Hilyard
23 Avenue. The area is developing with a mixture of retail
24 and service businesses along with truck sales, repair shops
25 and similar operations.

26 KLAMATH COUNTY DEVELOPMENT CODE CRITERIA:

FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION

5686

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

A. That the use is conditionally permitted in the zone in which it is proposed.

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

C. That the location, size, design and operating characteristics of the proposed development will be compatible with, and will not adversely effect, the livability or appropriate development of abutting properties in the surrounding neighborhood. Consideraiton shall be given to the harmony in scale, bulk, and utilities; to harmful effects, if any, upon desirable neighborhood character; to the generation of traffic and the capacity of surrounding streets and to other relevant impact of development.

KLAMATH COUNTY DEVELOPMENT CODE FINDINGS AND CONCLUSIONS:

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

2. The location, size, design and operating characteristics of the proposed use will be compatible with, and will not adversely effect, the livability and/or appropriate development of abutting properties in the surrounding neighborhood. In considering the location and operating characteristics of the proposed development, it appears that they will be

FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION

1 compatible with, and will not have a significant adverse
2 effect on, the abutting properties in the surrounding neigh-
3 borhood.

4 STATE-WIDE PLANNING GOALS AND REVIEW CRITERIA:

5 Compliance with the State-wide Planning Goals and
6 review criteria was met by Klamath County on the subject
7 property at the time of the acknowledgement of Klamath County's
8 Comprehensive Plan.

9 CONCLUSIONS OF LAW AND DECISION:

10 1. This request for a conditional use permit on
11 the subject property meets all applicable Klamath County
12 Development Code criteria and policies governing such.

13 2. This request for a conditional use permit is
14 consistent with, and complies with, all applicable State-wide
15 Planning Goals and review criteria and the Klamath County
16 Comprehensive Plan.

17 3. The following conditions are imposed upon the
18 granting of this conditional use permit as they are deemed
19 necessary for the protection of the health and welfare of the
20 citizens of Klamath County:

21 1. That the applicant follow his plot plan;

22 2. That access to the property shall be
23 from Hilyard Avenue and shall be located on the west one-half
24 ($\frac{1}{2}$) of the lot.

25 * * * * *

26 * * * * *

FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION

5688

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2 THEREFORE, IT IS HEREBY ORDERED that this request
3 for a conditional use permit on the subject proeprty is granted.
4 DATED this 15 day of April, 1985.
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James R. Uerlings
JAMES R. UERLINGS

9 Return: Commissioners Journal
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12

13 STATE OF OREGON,)
14 County of Klamath)
15 Filed for record at request of

16 on this 19th day of April A.D. 19 85
17 at 11:43 o'clock A. M. and duly
18 recorded in Vol. M85 of Deeds
19 Page 5684

EVELYN BIEHN, County Clerk

By *[Signature]* Deputy

20 Fee None
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FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION
-5-