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1 BEFORE THE HEARINGS OFFICER  
2  
3 Klamath County, Oregon

4 In the Matter of a Request for ) C. U.P. 16-85  
5 CONDITIONAL USE PERMIT ) FINDINGS OF FACT, CONCLUSIONS  
6 for ) OF LAW AND DECISION  
7 JOHN ZINGG )  
8 \_\_\_\_\_)

9 THIS MATTER came before the Assistant Hearings Officer,  
10 JAMES R. UERLINGS, on the 4th day of April, 1985, at 1:30 p.m.  
11 in the Klamath County Commissioners Hearing Room. The hearing  
12 was held pursuant to notice given in conformity with the  
13 Klamath County Development Code and related ordinances. The  
14 applicant, JOHN ZINGG, appeared in person and the Planning  
15 Department was represented by JONATHAN CHUDNOFF.

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

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

22 FINDINGS OF FACT:

23 1. The subject property is located on the southwest  
24 corner of Hilyard and Washburn Way. The legal description  
25 of the property is the North 200 feet of the east 290 feet  
26 of Lot 5, Block 1, Tract 1080, Klamath County, Oregon.

2. The plan designation is industrial, the zone

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1 designation 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:

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

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

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

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

18           KLAMATH COUNTY DEVELOPMENT CODE FINDINGS AND CONCLUSIONS:

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

21           2. The location, size, design and operating  
22         characteristics of the proposed use will be compatible with,  
23         and will not adversely effect, the livability and/or appropriate  
24         development of abutting properties in the surrounding neighbor-  
25         hood. In considering the location and operating characteristics  
26         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 neighbor-  
3 hood.

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

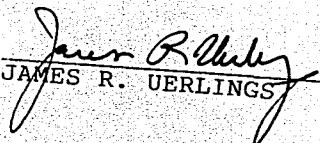
23 from Hilyard Avenue and shall be located on the west one-half  
24 ( $\frac{1}{2}$ ) of the lot.

25 \* \* \* \* \*

26 \* \* \* \* \*

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1 THEREFORE, IT IS HEREBY ORDERED that this request  
2 for a conditional use permit on the subject property is granted.  
3 DATED this 15 day of April, 1985.  
4

5  
6   
7 JAMES R. UERLINGS  
8

9 Return: Commissioners Journal  
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11  
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 duty  
18 recorded in Vol. M85 of Deeds  
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20 EVELYN BIEHN, County Clerk  
21 By John Smith Deputy  
22 Fee None

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24  
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