

BEFORE THE HEARINGS OFFICER

KLAMATH COUNTY, OREGON

In the Matter of a Request for) C.U.P. 51-86
)
 4 CONDITIONAL USE PERMIT) FINDINGS OF FACT,
) CONCLUSIONS OF LAW
 5 for) AND ORDER
)
 6 WALTER PATTON and DIANNE PATTON)
)

THIS MATTER came on for hearing before Assistant
 Hearings Officer, James R. Uerlings, on the 29th day of January,
 1987, at 10:30 a.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 applicants, WALTER B. PATTON and DIANNE L.
 PATTON, appeared in person and the Klamath County Planning
 Department was represented by Kim Lundahl.

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

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 applicants desire this conditional use permit
 in order to sell alcoholic beverages in conjunction with a
 restaurant in a Commercial Recreation zone as defined in the Land
 Development Code, Section 51.012(c)(5).

2. The property is generally located 7 miles north of
 Rocky Point on Westside Road, at Crystal Creek Lodge.

*07 FEB 10 PM 2 20

1 3. The legal description of the property is portions
2 of Sections 26 and 35, Township 34, Range 6, Klamath County,
3 Oregon.

4 4. The plan designation of the property is
5 Commercial, the zone designation is CR (Commercial Recreation).

6 5. The property consists of 16 acres, rectangular in
7 shape, with a level topography. General drainage consists of
8 surface flow to the east. Vegetation consists of brush, grass,
9 Klamath marshland and scattered trees. Access to the property is
10 over Westside Road. Soil and timber site productivity ratings do
11 not apply to this application.

12 6. Unique physical characteristics of the surrounding
13 lands consist of the Klamath Marsh Game Refuge.

14 7. Adjacent and surrounding zoning consists of
15 Forestry and Open Space and Conservation.

16 8. Public facilities and services to the property
17 include water by individual well, sewer by individual subsurface
18 system, and schools by the Klamath County School District.

19 9. The applicants operate an overnight facility which
20 will accomodate up to 12 persons. The applicants run the
21 facility as a hunting and fishing lodge and provide meals to the
22 guests. The applicants desire to be permitted to serve alcoholic
23 beverages in relation to the aforementioned operation.

24 10. No opposition has been received to this request
25 for a conditional use permit.

26 11. A Comprehensive Land Use plan change and zone
27 change were granted in Case 10-84 in 1984. This permitted the
28 applicants to operate the property as a commercial lodge for

overnight guests.

12. Additional traffic will not be generated from the sale of alcoholic beverages as the scale of the business would not extend beyond the current level.

KLAMATH COUNTY DEVELOPMENT CODE CRITERIA:

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. Consideration 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 GOALS AND POLICIES COMPLIANCE:

1. GOAL 1 - Citizen Involvement: See Exhibit "A" attached hereto and incorporated by this reference.

2. GOAL 2 - Land Use Planning: See Exhibit "A".

3. GOAL 9 - County Economy: See Exhibit "A".

4. GOAL 12 - Transportation: See Exhibit "A".

5. GOALS 3, 4, 5, 6, 7, 8, 10, 11, 13 and 14 do not
pertain or are not affected by this application.

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 compatible with, and will not have a significant adverse
effect on, the abutting properties in the surrounding
neighborhood.

3. The location, size, design and operating
characteristics of the proposed use are in conformance with the
Klamath County Comprehensive Plan.

CONCLUSIONS OF LAW AND DECISION:

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

2. This request for a conditional use permit is
consistent with, and complies with, all applicable Klamath County
land use planning policies.

THEREFORE, IT IS HEREBY ORDERED that this request for a
conditional use permit on the subject property is granted,
subject to the following conditions:

A. That the applicants not expand the use of the

1 facility with its present capability of serving 12 guests; and,

2 B. That if the applicants plan any significant changes
3 to the facility to enlarge the number of persons consuming
4 alcoholic beverages on the premises, they first request a
5 modification of the conditional use permit.

6 DATED this 6 day of February, 1987.

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9 JAMES R. UERLINGS
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Conformance with Relevant Klamath County Policies:

Citizen Involvement

The County shall provide for continued citizen involvement.

The Planning Department sent notice to adjacent property owners and agencies of concern. Notice was also published in the Herald & News and posted in public places.

Land Use Planning

The site is zoned CR (Commercial Recreation). In order to establish an eating and drinking facility in conjunction with alcoholic beverages, a conditional use permit is required per the Land Development Code.

In order for the Hearings Officer to grant this conditional use permit, his findings shall satisfy the following criteria:

- A. That the use is conditionally permitted in the zone in which it is proposed to be located.
- B. That the location, size, design, and operating characteristics of the proposed use are 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 have significant adverse effects on the appropriate development and use of abutting properties and the surrounding neighborhood. Consideration shall be given to harmony in scale, bulk, coverage, and density; to the availability of civic facilities and utilities; to harmful effects, if any, upon desirable neighborhood characteristics and livability; to the generation of traffic and the capacity of surrounding streets; and to any other relevant impact of the development.

Economy

If proposed conditional use permit is approved, some economic benefit would be generated in that there would be jobs provided and supplies purchased from local businesses.

Conformance with Relevant Klamath County Policies Continued:

2168

Transportation

The site has access off of Westside Road. It appears Westside Road can handle the traffic that would be generated from the proposed use.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of _____
of February A.D., 19 87 at 2:20 o'clock P M., and duly recorded in Vol. 10th day
of Deeds on Page 2162 1887

FEE NO FEE

Return: Commissioners' Journal

Evelyn Biehn, County Clerk
By [Signature]