

## BEFORE THE HEARINGS OFFICER OF CLATSOP COUNTY, OREGON

In the matter of the Request  
for Conditional Use Permit for  
VENNIE B. LAMBERT and GEORGE E.  
LAMBERT.

CUP No. 11-25

FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND DECISION

This matter came before WILLIAM E. GAWONG, Hearings Officer, Clatsop County, Oregon on May 7, 1967 in the Clatsop County Commissioners' Hearing Room. The hearing was held pursuant to notice given in conformity with the Clatsop County Land Development Code and related ordinances. Vennie Lambert, the applicant, was present and represented herself at the hearing. Clatsop County Planning Department was represented by Kim Lambell and the recording secretary was Janet Libbey. The Clatsop County Planning Department file and all contents thereof were incorporated in the record as evidence. The County Hearings Officer, after reviewing the evidence presented, makes the following Findings of Fact, Conclusions of Law and Decision:

FINDINGS OF FACT:

1. The applicant is applying for a Conditional Use Permit to conduct gasoline sales as an accessory use to the Country Villa Market. The subject property is located at the northeast corner of Southport and Homedale Roads in Clatsop County, Oregon. It is Clatsop County Tax Assessor Account No. 1909-1100-1000.

2. The property is zoned Commercial Neighborhood. Clatsop County Land Development Code Section 12.019 allows gasoline sales as the neighborhood commercial zone as a Conditional Use.

3. The Findings of Fact contained by the Clatsop County Planning Department Staff Report for CUP 11-25 are hereby adopted and incorporated herein by this reference.

4. The nearest other gasoline sales are located approximately 1/4 of a mile from the subject property.

5. The establishment of the subject gasoline sales is regulated by the Oregon State Fire Marshall. The Fire Marshall has reviewed the applicant's proposed plan and found that it complies with State Law so long as the applicant constructs the pumps and tanks and other equipment necessary to carry on the gasoline sales business as set forth in the letter dated April 9, 1967, signed by the State Fire Marshall, which is Exhibit D to the subject proceedings.

6. The Hearings Officer viewed the subject property with Planning Department Staff on May 4, 1967. No adverse comment or testimony was made or received from any person.

ELMORE COUNTY LAND DEVELOPMENT CODE CRITERIA:

Article 14, Section 14.013 sets forth the review criteria for the granting of a Conditional Use Permit Application. Section 14.605 sets forth the permitted uses and conditional uses allowed in the Neighborhood Commercial Zone and included under Subparagraph (C) (2), Gasoline Sales.

ELMORE COUNTY GOALS AND POLICY COMPLIENCY:

The findings contained in the Elmore County Planning Staff Report in this matter concerning conformance with relevant Elmore County Land Development Policies are hereby adopted and incorporated herein by this reference.

ELMORE COUNTY CODE FINDINGS AND CONCLUSIONS:

1. Gasoline sales are allowed in the Neighborhood Commercial Zone as a conditional use pursuant to Section 14.605 (C) (2).

2. The plan plan and testimony of the applicant demonstrate that the location, size, design and operating characteristics of the proposed gasoline

pump and service island will permit adequate and safe access to the existing street and the proposed gasoline service area from Sunnyside Road and from Courtland Street. The evidence demonstrates that the large parking area included on the subject property and the deep set back from Sunnyside Road of the existing street will allow adequate parking for the store and adequate access to the proposed gasoline pumps. The subject property is bordered on its southerly and easterly sides by land zoned for suburban residential uses and directly across Courtland to the south is a church and church parking area. The evidence and a view of the property show that there is good visibility in all directions from the location of the proposed pumps and gasoline sales area. The plan also shows that the service island has been kept to the minimum size required for the sales of gasoline. Therefore, it is found that the location, size, design and operating characteristics of the proposed use are in conformance with the Elbert County Comprehensive Plan.

C. As discussed above, it is further found that the location, size, design and operating characteristics of the proposed development will be compatible with and will have no significant adverse effect on the appropriate development and use of the abutting properties and surrounding neighborhoods. This finding is conditional on the applicant complying with the criteria and requirements of the State Fire Marshall for the construction of a gasoline sales facility. There are no other similar facilities available to the residents of the neighboring Gateway and Sunset Village neighborhoods and the addition of gasoline sales to the existing store provides a convenient additional use of property which is already zoned to commercial uses. Subject to compliance with the requirements of State Fire Marshall, there will be no known or apparent adverse impact upon the characteristics or uses of the

nearby properties or neighborhoods. The location of the proposed facility at the intersection of two major streets, Scottsbluff and Broadway Road, will provide adequate and safe access for the existing market and proposed gasoline sales area.

CONCLUSIONS OF LAW AND ORDER

This request for a Conditional Use Permit to conduct gasoline sales on the above described property which is zoned Neighborhood Commercial is in conformance with and meets all applicable Lincoln County Land Development Code criteria and policies. The subject application for a Conditional Use Permit is granted with the condition that the gasoline sales facility be constructed and operated in conformance with all the development standards of the Lincoln County Land Development Code and in conformance with other County ordinances and State laws including the regulations of the Oregon State Fire Marshall.

DATED this 17th day of May, 1957.

  
 WILLIAM E. GENTRY  
 Hearings Officer

Conformance with Relevant Elmore County Policies:

Citizen Involvement:

The County shall provide for continued citizen involvement. The Planning Department shall notice to surrounding property owners and agencies of concern. Notice was published in the Record & News and posted in public places.

Land Use Planning:

The property is zoned C-1 (Neighborhood Commercial) and per Section 11.009(C)(2) gasoline sales is a conditional use. The review criteria for granting a conditional use permit is per Article 11, Section 11.009(C)(2) of the Land Development Code:

- 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 Elmore 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 adjoining 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.

Economic:

If the proposed use is approved, some economic benefit will be generated for the local businesses.

Public Facilities:

The site has all necessary facilities, and it is located in Fire District No. 1.

**Planning Department Conclusions and Recommendations:**

Under paragraph 1 of Section 41.003 of the Land Development Code, the proposed use is conditionally permitted in the C1 (Neighborhood Commercial) zone.

The gasoline will be sold in the corner of the subject lot, approximately 55 feet from the existing street.

The area on which the island for the gas pumps and the bay area for automobiles is 27 feet by 17 feet, or approximately 459 square feet. The island and bay area will be a cement slab.

The design and operating characteristics of the proposed use will need to meet the requirements of the State Fire Marshall and the requirements of the Klamath County Building Department. See letter dated April 9, 1967, from the State Fire Marshall.

The property is zoned C1 (Neighborhood Commercial), and the subject lot is approximately .55 acres. On the site there is an existing grocery store, which appears not to cause significant adverse effects. It also appears that the proposed use will cause no adverse effects in the surrounding neighborhood. The site has public utilities that meet State Fire Marshall and Building Department requirements.

Based on the above, staff recommends approval.

STATE OF OREGON: COUNTY OF KLAMATH

Filed for record at request of Klamath County Planning Department by John on May A.D. 19 67 at 2:21 o'clock P. M. and duly recorded in Vol. 1112 of Records on Page 1031

FILED TO FILE

Planning Commission's Journal

Twyla Hahn, County Clerk

By [Signature]