

## BEFORE THE HEARINGS OFFICER OF KLAMATH COUNTY, OREGON

In the Matter of the Request  
for a Conditional Use Permit  
for MICHAEL FEILDER and  
PENNY JACOBSEN )

C.U.P. 3-89  
FINDINGS OF FACT, CONCLUSIONS  
OF LAW AND ORDER

This matter came before Hearings Officer William M. Ganong on March 16, 1989 in the Klamath County Commissioner's Hearing Room. The Hearing was held pursuant to the Notice given in conformity with the Klamath County Land Development Code and related ordinances. The applicants were represented by Michael Feiler at the hearing. The Klamath County Planning Department was represented by J. Kim Lundahl and the Recording Secretary was Karen Burg. The Klamath 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 Applicants applied for a Conditional Use Permit to allow them to serve alcohol (wine and beer) in conjunction with the operation of a pizza parlor at a site located in Chemult, Oregon and which is more particularly described as Klamath County Tax Lots 2708-21CB-800 and 900.
2. The subject property currently is used as a gas station and store. The store has a packaged liquor license which allows the sale of beer and wine. Said uses will continue.
3. The proposed pizza parlor will have a capacity to serve 41 people and the site offers off street parking for 28 automobiles.
4. The Applicants have extensive food service experience.

KLAMATH COUNTY LAND DEVELOPMENT CODE CRITERIA

Klamath County Land Development Code Section 44.003 sets forth the criteria for granting a Conditional Use Permit.

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KLAMATH COUNTY CODE FINDINGS OF FACT AND CONCLUSIONS

1. The proposed use is conditionally permitted by LDC §51.014(C) (2). A conditional use permit is required because of the desire to serve alcoholic beverages in conjunction with the sale of food.

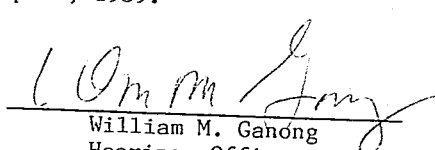
2. The site has adequate parking and access. The proposed design, location, site and operating characteristics, are in conformance with the Klamath County Comprehensive Land Use plan.

3. No person or agency expressed any concerns with the subject request. There is no evidence in the record or reason to believe that the proposed use will have any adverse effect on the abutting property or the development of Chemult. The location, size, design and operating characteristics will be compatible with the other land uses in the area.

ORDER

The subject application for a Conditional Use Permit to serve alcoholic beverages in conjunction with the operation of an eating and drinking establishment is granted. This permit is subject to strict compliance by the Applicants and their successors in interest with all State and County laws, ordinances, regulations, codes and rules.

DATED this 9th day of April, 1989.

  
William M. Gahong  
Hearings Officer

Klamath County Land Development Code Section 24.007 provides:

"An Order of the Hearings Officer shall be final unless appealed within ten (10) days of its mailing by a party having standing in accordance with the procedures set forth in Chapter 3, Article 33 of this Code."

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County the 11th day  
of April A.D., 19 89 at 4:06 o'clock P.M., and duly recorded in Vol. M89  
of Deeds on Page 6155.

FEE none

Evelyn Biehn County Clerk

By Daniel M. Hurlburt

Return: Commissioners Journal