

BEFORE THE HEARINGS OFFICER OF KLAMATH COUNTY, OREGON

In the matter of the request)
)
 of JAMES AND NICOLE MARTIN)
)
) CONDITIONAL USE PERMIT
)
) NO. CUP 45-90
)
)
)
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This matter came before Neil D. Smith, Hearings officer for Klamath County, Oregon on 24 August 1990 in the County Commissioners' Meeting Room in Klamath Falls Oregon. The Klamath County Planning Department was represented by Mr. Kim Lundahl the recording secretary was Ms. Karen Burg. The Klamath County Planning Department file and all the exhibits and other contents therein is incorporated by this reference into this matter.

The Hearing was held pursuant to notice given in conformity with the Klamath County Land Development Code and related Statutes and Ordinances. MR. James Martin, the applicant for the above referenced Conditional Use Permit, was present and testified. MR. Martin's information was received and found to be in favor of the permit.

The Hearings Officer and staff were concerned about the inadequate parking facilities as set forth in the original proposal, when those concerns were addressed the applicant readily consented to a provision wherein the parking requirements would be met or exceeded. Based upon that representation of the applicant the only concrete objections were overcome.

FINDINGS OF FACT :

1. The Applicant is requesting a Conditional Use Permit for the purpose placement of a eight by twenty foot food dispensing facility on approximately 1.3 acre parcel of land zoned IL.

2. The property is located on the west side of Washburn Way and approximately 200 feet south of Hilyard Ave. Legally described as "a portion of section 9 TS 38, R9, tax lot 1022.

3. Authority for the proposed Conditional Use Permit is found in section 51.015, C, (4) and review in accordance with 44.003 of Article 44, paragraphs A through C.

4. The Applicant's requested Conditional Use Permit is conditionally permitted in this zone.

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

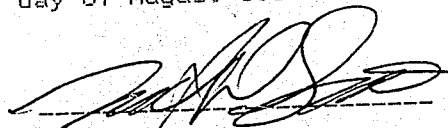
CONCLUSION

The resulting change which will be made by placing the Food dispensing operation will not effect the present use of the surrounding property and is not inconsistent with the uses to which the adjacent properties are being used.

ORDER

Based upon the findings and conclusion herein the Conditional Use Permit is granted.

DATED this 24th day of August 1990



Neil D. Smith, 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 27th day
of Aug. A.D. 19 90 at 4:20 o'clock P.M., and duly recorded in Vol. M90,
of Deeds on Page 17187.
Evelyn Biehn County Clerk
By Pauline Muelendore

FEE none

Return: Commissioners Journal