

BEFORE THE BOARD OF COUNTY COMMISSIONERS
In and For the County of Klamath, State of Oregon

IN THE MATTER OF THE APPEAL)
ON CONDITIONAL USE PERMIT)
NUMBER 76-4 BY)
OBIE OUTDOOR ADVERTISING)

O R D E R

THIS MATTER came on for hearing before the Planning Commission on June 8th, 1976, wherein the Klamath County Planning Commission after hearing testimony disapproved Conditional Use Permit 76-4, a particular description of the real property as being Tax Lot 500, lying west of Highway 97, Located 6.31 miles south of Klamath Falls at mile post 281.8 of Section 36, Township 39, Range 8, Klamath County, Oregon and incorporated by reference herein, for OBIE OUTDOOR ADVERTISING to disallow placement of a billboard in an M-3 zone under Section 73.003, of Ordinance No. 17, based upon the following findings of fact and conclusions of law:

Findings of Fact:

1. No testimony was received.
2. The applicant did not appear.
3. A letter dated June 8th, 1976, did not present a valid reason for granting a continuance.

Conclusions of Law:

No conclusions of law were stated as the Planning Commission denied the application.

The order of the Klamath County Planning Commission contains findings of fact as is more specifically set forth in the record of the Planning Commission Meeting, June 8th, 1976. Pursuant to Article 114, of Klamath County Ordinance No. 17, Section 114.002, paragraph 10, applicant filed a letter of appeal for hearing.

Pursuant to Article 114 of Ordinance No. 17, a public hearing was regularly held on July 6th, 1976, before the Board of County Commissioners and it appearing to the Board of County Commissioners from reviewing all pertinent evidence and testimony related to the requested Conditional Use Permit, reports and information produced by the applicant, the Planning Commission

76 SEP 23 AM 9 31

ORDER:

CONDITIONAL USE PERMIT 76-5
OBIE OUTDOOR ADVERTISING
Page 2 of 3

14911

Planning Department, and interested property owners in the area, the Board of Commissioners makes the following findings of fact and conclusions of law as required by Ordinance No. 17, the Klamath County Zoning Ordinance:

Findings of Fact:

1. There is an existing billboard that is owned by OBIE OUTDOOR ADVERTISING on the proposed site and will be the approximate location of where they (OBIE) intend to put the new billboard.
2. The site for the proposed use is adequate in size for a billboard approximately 12 feet by 48 feet and 10 feet off of the ground.
3. There will be no traffic or street problems in relation to Highway 97 because there will be no permanent access to the billboard.
4. The abutting properties appear to be a grassy field and also a railroad right-of-way and therefore, the placing of a billboard in that area would not have any detrimental effect to the surrounding property.
5. There is a provision in Obie Outdoor Advertising leases that automatically gives the owner the right to terminate the lease should the owner want to build on subject property.

Conclusions of Law:

1. The site for the proposed use is adequate in size and shape to accommodate said use and all yards, spaces, walls and fences, parking loading, landscaping and other features required to adjust said use with land uses in the neighborhood.
2. The site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use.
3. The proposed use will have no adverse effect on abutting property or the permitted uses thereof.
4. The conditions stated in the decision are deemed necessary to protect the public health, safety and general welfare.

Granting of this Conditional Use permit, if any, is in no way intended to amend, modify or change any deed restrictions in connection or applicable to subject property or any legal rights created therein.

ORDER:

CONDITIONAL USE PERMIT 76-5
OBIE OUTDOOR ADVERTISING
Page 3 of 3

14912

NOW, THEREFORE, IT IS HEREBY ORDERED that the application of OBIE OUTDOOR ADVERTISING for Conditional Use Permit No. 76-4 for placement of a billboard in an M-3 (Heavy Manufacturing Industrial) zone, under Section 73.003 of the Klamath County Zoning Ordinance No. 17 is hereby approved.

DONE AND DATED THIS 23rd day of September, 1976.

Raymond P. Thorne
Chairman

Bryan Williams
Commissioner

Lloyd Giff
Commissioner

APPROVED AS TO FORM:
Boivin and Boivin
County Legal Counsel

By Boivin and Boivin

STATE OF OREGON; COUNTY OF KLAMATH; ss.

I hereby certify that the within instrument was received and filed for record on the 23rd day of September A.D., 19 76 at 9:31 o'clock A. M., and duly recorded in Vol 14910 of Deeds on Page 14910

FEE no fee

WM. D. MILNE, County Clerk

By Barbara De Vane Deputy