

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 76-5, 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 76-5, a particular description of the real property as being located on the west side of Highway 97 between the highway and the railroad tracts about 1/4 mile north of the point where Elm Street intersects Highway 97, and more particularly described as being, 6.31 miles south of Klamath Falls at mile post 281.8 of Highway 97 of Section 36, Township 39 South, Range 8, Klamath County, Oregon, for OBIE OUTDOOR ADVERTISING to disallow placement of a billboard in an M-3 (Heavy Manufacturing Industrial) zone under Section 73.003 based upon the following findings of fact and conclusions of law:

Findings of Fact:

1. No testimony was received.
2. 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:

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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. The site for the proposed use is adequate in size and for a billboard approximately 12 feet by 24 feet and 14 feet off of the ground.
2. The billboard will be lighted and will be only one sided and will face toward the south.
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. No detrimental effect to the surrounding properties as there is a railroad right-of-way to the west and there is the tourist information center to the east across Highway 97.
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 and 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 use 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.

NOW, THEREFORE IT IS HEREBY ORDERED that the application of OBIE OUTDOOR ADVERTISING for Conditional Use Permit No. 76-5 for placement of a billboard in an M-3 (Heavy Manufacturing

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Industrial) zone, under Section 73.003 of Klamath County Zoning Ordinance No. 17, is hereby approved.

DONE AND DATED THIS 22nd day of September, 1976.

Raymond F. Thome
Chairman

Raymond Williams
Commissioner

Lloyd Giff
Commissioner

APPROVED AS TO FORM:
Boivin and Boivin
County Legal Counsel

By Robert D. Boivin

STATE OF OREGON; COUNTY OF KLAMATH; ss.

Filed for record at request of Commissioners Office

this 23rd day of September, A. D. 19 76 at 9:31 o'clock A., and

duly recorded in Vol. M76, of Deeds on Page 14919

Wm D. MILNE, County Clerk

By Dorothy DeTure

no fee