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BEFORE THE HEARINGS OFFICER

KLAMATH COUNTY, OREGON

In the Matter of Request for)
Temporary Permit 77-10 for) Klamath County Planning
Dan McMillan, Applicant) FINDINGS OF FACT AND ORDER

A hearing was held in this matter at Klamath Falls, Oregon, on August 24, 1977, pursuant to notice given in conformity with Ordinance No. 35, Klamath County, before Klamath County Hearings Officer, Jim Spindor. The applicant was present. The Klamath County Planning Department was represented by Carl Shuck. The Hearings Reporter was Isabel Rodriguez.

Evidence was presented on behalf of the Department and on behalf of the applicant. There was one adjacent property owner present, Glen Brown, who stated he did have objections to the proposed Temporary Permit requested by the applicant.

The following Exhibits were offered, received and made a part of the record:

- Klamath County Exhibit A, the Staff Report
- Klamath County Exhibit B, photos of the subject property
- Klamath County Exhibit C, a Klamath County Assessor's map of the subject property
- Klamath County Exhibit D, a Klamath County Zoning map of the subject property
- Klamath County Exhibit E, Survey map
- Klamath County Exhibit F, Mailing Notices
- Applicant's Exhibit 1, Plot Plan

1 Applicant's Exhibit 2, letter from the applicant to the
2 Planning Department

3 Applicant's Exhibit 3, statement from Robert Florendo

4 Applicant's Exhibit 4, poster advertising the race

5 Applicant's Exhibit 5, petition

6 Opponent's Exhibit 1 through 10 and 1A through 4A, a
7 series of photos

8 The hearing was then closed and based upon the evidence
9 submitted at the hearing, the Hearings Officer made the following
10 findings of fact:

11 FINDINGS OF FACT:

12 1. The Hearings Officer finds is necessary to obtain
13 written permission from Mr. Florendo and all other surrounding
14 property owners who would be affected by the road which would
15 have to be constructed in order for an access to the site; and no
16 one would be allowed to use what is claimed by Mr. Brown to be his
17 road.

18 2. A water truck will be required to be at the site to
19 control dust.

20 3. Some sort of line will have to be posted indicating
21 Mr. Brown's property in order to prevent anyone from trespasses
22 against Mr. Brown's property.

23 4. Permission must be obtained from the Fire Warden or
24 any other authority necessary to satisfy the Planning Department; in
25 addition, one pumper truck will be required to be at the scene.

26 5. Silencers will be required on the motorcycles.

27 6. It is required that a \$1,500 bond be posted.

28 The Hearings Officer, based on the foregoing Findings of
Fact accordingly orders as follows:

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That real property described as the

"N $\frac{1}{2}$, NE $\frac{1}{4}$, SE $\frac{1}{4}$, Township 37 South,
Range 14 East of the Willamette
Meridian, generally located about
2 miles southeasterly of Bly,
approximately $\frac{3}{4}$ of a mile south
of Highway 66, approximately $\frac{1}{2}$
of a mile east of Fish Hole Creek
Road."

is hereby granted a Temporary Permit in accordance with the terms
of the Klamath County Zoning Ordinance No. 17 and henceforth will
be allowed to conduct a motorcycle race on the August 28, 1977,
until the hour of 4:00 p.m. in the evening; and will be required to
meet the above conditions before 1:00 p.m. on Friday, August 26, 1977,
meeting the approval of the Planning Department and must obtain
their written consent.

Entered at Klamath Falls, Oregon, this 7th day
of September, 1977.

KLAMATH COUNTY HEARINGS DIVISION

By [Signature]
Hearings Officer

STATE OF OREGON, COUNTY OF KLAMATH:

this 8th day of September, A. D. 1977 at 2:18 clock P.M. and
duly recorded in Vol. M77, of Deeds on Page 16704

Wm D. MILNE, County Clerk
By [Signature]