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BEFORE THE HEARINGS OFFICER

KLAMATH COUNTY, OREGON

In the Matter of Request for)
Conditional Use Permit 77-13 for) Klamath County Hearings Division
Keith Read for) FINDINGS OF FACT AND ORDER
Klamath County, Applicant)

Pursuant to application date, June 16, 1977, notice was given setting a hearing before the Klamath County Hearings Officer, Del Parks, in conformity with Ordinance 35, Klamath County.

Those present in addition to Hearings Officer, were: Isabel Rodriguez, Recording Secretary; Carl Shuck, Associate Planner, representing the Planning Department; Keith Read, representing the applicant--Klamath County.

A hearing was held on July 6, 1977, and was continued to September 10, 1977, at which time the hearing was reconvened at the site of the proposed Moto-Cross Park. That hearing was then continued and resumed on October 4, 1977, at which time further evidence was taken and the hearing was closed. In addition to the presence at the September 10, 1977, hearing, the Hearings Officer independently toured the site by helicopter at his own expense and on his own time.

At the various hearings, there were approximately 200 to 250 people total. Many of the same persons attended all three hearings, and their presence is reflected three times in the above computation. The hearings consisted of eight hours, plus a 2½ hour demonstration at the proposed site.

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1 There were 190 pages of documentary evidence contained in
2 30 documentary exhibits; in addition, 30 people testified during
3 the testimony phase of the hearings.

4 Evidence offered in support of the application consisted
5 generally as follows:

6 1. Several members of the Klamath Basin Motorcycle
7 Association testified that the county lacked an adequate area for
8 them to carry on their various motorcycle activities, most notably
9 racing.

10 2. An Environmental Impact Study prepared by the Federal
11 Government the conclusion of which was that the proposed use would
12 meet the general guidelines of the Bureau of Land Management.

13 3. A letter from the Klamath County Commissioners dated
14 May 25, 1977, in support of the proposed use.

15 4. Aerial photos of the subject site showing the terrain
16 as it presently exists.

17 5. Testimony of the County Road Engineer estimating the
18 costs of the proposed improvements, detailing the present access to
19 the proposed site from the city of Klamath Falls, an expression of
20 opinion as to the nature and amount of the traffic presently using
21 the road and the fact that the present access to the site was
22 sufficient to safely carry the amount of traffic that the proposed
23 use would generate.

24 6. Evidence presented by the County Agent that the soil
25 generally was suitable for the intended use and the erosion problems
26 caused by the use could be mitigated by the establishment of some
27 type of cover crop upon the proposed site.

28 7. Evidence demonstrating the noise level to be created

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1 by the use of a limited number of motorcycles would be within the
2 Department of Environmental Quality standards.

3 8. A tentative proposal in the form of a map outlining
4 the general configuration that the proposed track would take.

5 9. A form of contract commonly used by the Bureau of
6 Land Management in the leasing of their property to other govern-
7 mental bodies for recreational usage.

8 EVIDENCE IN OPPOSITION:

9 1. Documentary and testimonial evidence from the Oregon
10 Department of Fish and Wildlife that the proposed use would inter-
11 fere to some extent with an established game management activity
12 that was present and had for some time previously been conducted
13 upon the property.

14 2. Testimony from ranchers in the area as to the nature
15 of the game present in the area, the amount of food such game
16 consumes, and the time periods generally when the game is most
17 prevalent. This testimony conflicted in some instances markedly
18 with the evidence offered by the Department of Fish and Wildlife
19 Officers.

20 3. Petitions containing the signatures of approximately
21 500 persons in objection to the proposed use. Petitions being
22 reported as containing the signatures of all the residents in the
23 immediate area except one family.

24 4. Testimony of various residence as to the nature and
25 the amount of traffic present on the road, which testimony
26 indicated that the nature and the amount of traffic had increased
27 since the county last conducted a traffic count which increase was
28 caused by additional farm vehicles within the area, the opening of

1 the Merrill dump to all county residents, and it is opened to all
2 the county on all days. The fact that during the summer in the
3 planting, harvesting, and the transportation aspect of the farming
4 enterprises carried on in the area. A significant number of slow
5 moving trucks, tractors, and various other farm implements are
6 utilizing the road.

7 5. Testimony of ranchers within the area as to the
8 nature of the soil, its characteristics when wet, and the general
9 conditions of the topsoil.

10 A great deal of other testimony was offered, but the
11 testimony set forth above is that testimony which was deemed to be
12 both admissible, competent, and relevant by the Hearings Officer.

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14 BASED ON THE FOREGOING, THE FOLLOWING FINDINGS OF FACT ARE ENTERED:

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16 1. There exists within the Klamath Basin a need for a
17 moto-cross park for the use of various motorcycle enthusiasts. The
18 magnitude of the need was not demonstrated, and no one seemed to
19 know with a degree of certainty, how many persons are present within
20 the Basin that would utilize such a facility, nor if such a facility
21 was constructed, how many persons outside the county would be
22 attracted to the proposed moto-cross park.

23 2. Under the terms of the Zoning Ordinance, the use such
24 as proposed can be placed only in an AP (Agricultural Forestry)
25 Zone and then, only subject to a Conditional Use Permit.

26 3. The site for the proposed use is adequate in size
27 and shape to accommodate the use subject to a number of conditions.
28 The soil is not such as will accommodate the proposed use due to

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1 the fact that the soil will not compact without becoming extremely
2 slippery. The testimony of the farmers within the area is accepted
3 on this point and the testimony of the County Agent rejected because
4 the proposed project suggested by the County Agent, if successful,
5 would enhance the fire danger during the months of July, August,
6 and September--the period during which the proposed use would have
7 the greatest number of participants on the site.

8 4. The County, through its park board, has not given
9 sufficient thought, or consideration to the liability that the
10 County would be assuming in executing a lease with the Bureau of
11 Land Management and subleasing the property to a private organiza-
12 tion. The County apparently believes that by subleasing the
13 property, the liability in connection with the use would end, the
14 Hearings Officer disagrees.

15 5. The access to the site is not adequate by virtue of
16 the fact that this is a farm-to-market road and is used constantly
17 and on everyday of the week, including Sunday, for the transporta-
18 tion of farm products, implements, and equipment at extremely slow
19 speeds on a relatively curvy road during the time of the year when
20 the proposed use would have the greatest number of persons going
21 to and from the site.

22 6. The proposed use specifically violates one of the
23 proposed goals of the Midland-Worden Area Committee for Citizen
24 Involvement in that it interferes with their goal for the
25 protection of the quality of rural living.

26 7. The proposed use creates an enhanced condition of
27 soil erosion as demonstrated in pictures taken before and after
28 the demonstration.

By Del Sol Hearings Officer



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Klamath County - Planning Department

COURTHOUSE — 503-892-2501, Ext. 285 — KLAMATH FALLS, OREGON 97601

IN THE MATTER OF
MAILING NOTICES FOR*Keith Lead*

AFFIDAVIT OF MAILING

STATE OF OREGON
County of Klamath

I, Isabel Rodriguez, being first duly sworn, depose and say that I am an employee of the Klamath County Planning Department, and that on the 7th of November, 1977 I did deposit in the U.S. postal system 25 copies of said MAILING NOTICE, a copy of same being attached hereto, in a sealed envelope addressed to those individuals on the mailing list attached hereto.

Isabel Rodriguez

SUBSCRIBED and sworn to before me this 7th day of November 19 77.

Robert M. Wiley
NOTARY PUBLIC FOR OREGON

My commission expires

8-3-88

WE ARE AN EQUAL OPPORTUNITY EMPLOYER

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Copies of the Order for Keith Read for Conditional Use
Permit 77-13 sent to the following:

Paul McKillop
P.O. Box 112
Merrill, OR 97633

Murel Long
Box M
Merrill, OR 97633

Keith Read
Klamath County
Klamath Falls, OR 97601

Jack Liskey
Box 467
Merrill, OR 97633

Leon Andrieu
Box 64
Midland, OR 97634

Walton Du Pont
P.O. Box 242
Merrill, OR 97633

Lela Niven
P.O. Box 47
Midland, OR 97634

George P. Andrieu
P.O. Box 75
Midland, OR 97634

Regis Andrieu
Box 32
Midland, OR 97634

L. D. Cheyne
Box 86
Midland, OR 97634

Don Niven
Box 76
Midland, OR 97634

Dan Eastman
4343 Miller Island Road
Klamath Falls, OR 97601

BLM
P.O. Box 151
Lakeview, OR 97630

Bill Block
P.O. Box 183
Keno, OR 97627

Paul Hug
4430 Memorie Lane
Klamath Falls, OR 97601

Bob Lecklider
P.O. Box 2
Klamath Falls, OR 97601

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1414 Carlyle
Klamath Falls, OR

Dave McCulloch
Route 1 Box 922EF
Midland, OR 97634

Steve Fisher
527 Van Ness
Klamath Falls, OR 97601

Lee Hartsfield
3107 Austin
Klamath Falls, OR 97601

Jerry O'Connor
P.O. Box 6
Merrill, OR 97633

L. D. Cheyne
Box 74
Midland, OR 97634

(continued)

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Copies of the Order for Keith Read for Conditional Use
Permit 77-13 sent to the following:

Don Niven
Box 47
Midland, OR 97634

Carol Sisco
Herald News
1301 Esplanade
Klamath Falls, OR 97601

Margaret Wilder
2930 Miller Island Road
Klamath Falls, OR 97601

STATE OF OREGON, COUNTY OF KLAMATH, ss.

Filed for record at _____ of _____

this 10th day of November A.D. 1977 at 9:13 clock A. M., on

fully recorded in Vol. M77 of Deeds on Page 21711

Wm D. MILNE County Clerk

By Bernice A. Fitch

No Fee