

BEFORE THE HEARINGS OFFICER

KLAMATH COUNTY, OREGON

1
2
3 In the Matter of Request for)
4 Conditional Use Permit 78-34) Klamath County Planning
5 Department of Transportation,) FINDINGS OF FACT AND ORDER
6 Division of Highways)

7
8 A Hearing was held in this matter at Klamath Falls,
9 Oregon, on November 8, 1978, pursuant to notice given in con-
10 formance with Ordinance No. 35, Klamath County, before the
11 Klamath County Hearings Officer, Del Parks. The applicant was
12 present. The Klamath County Planning Department was represented
13 by Carl Shuck. The Hearings Reporter was Pat Harris.

14 Evidence was presented on behalf of the Department and
15 on behalf of the applicant. There were no adjacent property
16 owners present who stated they had objections to the proposed
17 Conditional Use Permit requested by the applicant.

18 The Following Exhibits were offered, received and made
19 a part of the record:

20 Klamath County Exhibit A, the Staff Report
21 Klamath County Exhibit B, Photos of the subject
22 property
23 Klamath County Exhibit C, Klamath County Assessor's
24 map of the subject property
25 Klamath County Exhibit D, Klamath County Zoning Map
26 of the subject property
27 Hearings Officer Exhibit No. 1, Property Owner List

28 The hearing was then closed, and based upon the evidence
submitted at the hearing, the Hearings Officer made the following

78 NOV 30 AM 10 12

1 Findings of Fact:

2 FINDINGS OF FACT:

3 1. The site is adequate in size and shape to accommo-
4 date the use.

5 2. The setbacks are adequate.

6 3. The site for the proposed use relates to the highway
7 in such a manner that the use will enhance the actual use of the
8 highway and will be an improvement in the safety features as con-
9 trasted with the existing scale system that is presently there.

10 4. The proposed use would have no adverse effect on
11 abutting property or the uses that are permitted there or are
12 actually conducted there at this time.

13 5. The Hearing Officer feels that the public welfare
14 requires the impositions of the requirments for the installation
15 of landscaping in and about the improvements such as are consis-
16 tent with the enhancement of the properties owned by the State
17 of Oregon.

18 6. LCDC Goal No. 1, Citizen Involvement, is addressed
19 with Hearings Officer's Exhibit No. 1, list of property owners
20 as attached.

21 7. LCDC Goal No. 2, while the land may be zoned A for
22 Agriculture, the use is not suitable for agriculture use, nor is
23 it suitable for residences although a portion is zoned for resi-
24 dences, because of the proximity of the highway to the land, the
25 general nature of the surrounding commercial area, the lack of
26 sewer and water facilities to the subject land.

27 8. LCDC Goals 4 and 5 do not apply.

28 9. LCDC Goals 6, 7 and 8 are not applicable.

1 10. LCDC Goal No. 9, Economy of the State, would be
2 benefited by the enforcement of the State PUC laws in providing
3 a twenty-four hour facility where the present system does not
4 provide the twenty-four hour system.

5 11. LCDC Goal No. 10 is not applicable.

6 12. LCDC Goal No. 11, the city sewer line would be ex-
7 tended as a benefit not only to the subject use but to all users
8 in between where the city sewer now ends and the proposed use.

9 13. Energy Conservation, LCDC Goal No. 13 would be en-
10 hanced in that the truckers will not have to make a detour to
11 pick up the necessary permits to comply with the law.

12 14. LCDC Goal No. 14 is not applicable.

13 15. Upon the submission of site plan showing adequate
14 landscaping this order will be executed.

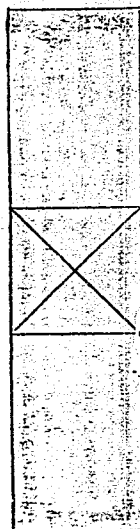
15 The Hearings Officer, based on the foregoing Findings
16 of Fact, accordingly orders as follows:

17 That real property described as the

18 "parcel of land approximately 1.12 acres in
19 size generally located on the east side of
20 The Dalles-California Highway, with one
21 parcel being on the southwest corner of
22 Center Street and Western Avenue and two par-
cels between Shasta Street and Lake Street,
and more particularly described as Tax Lots
6100, 8700 and 8800, Section 18, Township 38S,
Range 9 EWM, Klamath County, Oregon"

23 is hereby granted a Conditional Use Permit in accordance with
24 the terms of the Klamath County Zoning Ordinance No. 17 and
25 henceforth will be allowed the placement of a truck Port of
26 Entry on the subject property.

27 Entered at Klamath Falls, Oregon, this 29th day of
28 November, 1978.



1 JAPANESE BLACK PINE
KATHERINE DYKES BUSH CINQUEFOIL 3'00.
TAMARIX SAVIN JUNIPER 5'00.
KATHERINE DYKES BUSH CINQUEFOIL 3'00.

Tax lot # C.U.P. 78-34 Dept. of Transportation

Map 3809-1820- Cdn. 53

Map 68- Cdn. 53

600
8700-8800 L. N. Huss

Rt 3 Box 1404

Klamath Falls, Ore 97601

2700 State of Ore

5200 Same as Applicant

5300 Same as Applicant

5900 Same as Applicant

6000 Same as Applicant

6200 Same as TL 2700

6300 Same as Applicant

8400 Same as applicant

8500 Klamath County

8600 Same as TL 2700

8900 Same as applicant

Map 68.

100 Richard E. & Dorothy M. Luber
323 Upham
Klamath Falls, Or. 97601

102 Peyton & Co.
P.O. Box 1030
Klamath Falls, Or. 97601

102-1 Claude E. & Irene L. Chase
11318 - 172nd Ave N.E.
Granite Falls, Wash. 98252

STATE OF OREGON; COUNTY OF KLAMATH; ss.

Filed for record at ~~separate~~

this 30th day of November A. D. 1978 at 10:18 o'clock AM., and

duly recorded in Vol. M-78, of Deeds on Page 26895

No Fee

Wm D. MILNE, County Clerk

By Jaqueline J. MillerCommissioner's
Journal