

BEFORE THE HEARINGS OFFICER

KLAMATH COUNTY, OREGON

In the Matter of Request for)
Conditional Use Permit-Pelican) Klamath County Planning
City 78-1 for the Department) FINDINGS OF FACT AND ORDER
of Transportation, Division of)
Highways)

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

Evidence was presented on behalf of the Department and on behalf of the applicant. There were no adjacent property owners present who stated they had objections to the proposed Conditional Use 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, Klamath County Assessor's map of the subject property

Klamath County Exhibit D, Klamath County Zoning Map of the subject property

Hearings Officer Exhibit No. 1, Property Owner List

78 NOV 30 AM 10 18

1 The hearing was then closed, and based upon the evidence
2 submitted at the hearing, the Hearings Officer made the following
3 Findings of Fact:

4 FINDINGS OF FACT:

- 5 1. The site is adequate in size and shape to accommo-
6 date the use.
- 7 2. The setbacks are adequate.
- 8 3. The site for the proposed use relates to the highway
9 in such a manner that the use will enhance the actual use of the
10 highway and will be an improvement in the safety features as con-
11 trasted with the existing scale system that is presently there.
- 12 4. The proposed use would have no adverse effect on
13 abutting property or the uses that are permitted there or are
14 actually conducted there at this time.
- 15 5. The Hearing Officer feels that the public welfare
16 requires the impositions of the requirements for the installation
17 of landscaping in and about the improvements such as are consis-
18 tent with the enhancement of the properties owned by the State
19 of Oregon.
- 20 6. LCDC Goal No. 1, Citizen Involvement is addressed
21 with Hearings Officer's Exhibit No. 1, list of property owners
22 as attached.
- 23 7. LCDC Goal No. 2, while the land may be zoned A for
24 Agriculture, the use is not suitable for agriculture use, nor is
25 it suitable for residences although a portion is zoned for resi-
26 dences, because of the proximity of the highway to the land, the
27 general nature of the surrounding commercial area, the lack of
28 sewer and water facilities to the subject land.

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

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

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

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

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

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

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

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

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

19 That real property described as the

20 "parcel of land approximately 8 acres in size
21 generally located on the east side of the
22 Dalles-California Highway, Terminal City
23 bordering the north end of the property and
more particularly described as Tax Lot 102,
Township 38S, Range 9 EWM, Section 18,
Klamath County, Oregon"

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

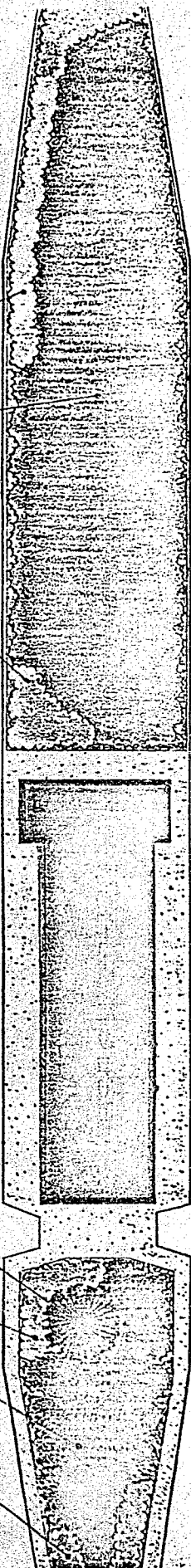
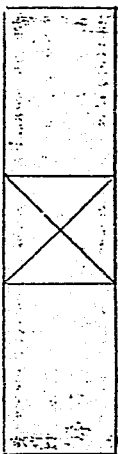
28

1 Entered at Klamath Falls, Oregon, this 29th day
2 of November, 1978.
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4

KLAMATH COUNTY HEARINGS DIVISION

By: Del R. [Signature]

Hearings Officer



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

Tax Lot # P.C.C.U.P. 78-1 Dept. of Transportation

Map 68 - Code 53

Map 3809-1820 - Code 53

102 Peyton & Co.

P.O. Box 1030

Klamath Falls, Or. 97601

100 Richard L. & Dorothy M. Suber

323 Upham

Klamath Falls, Or. 97601

102-1 Claude E. & Inez J. Chase

11318 - 172nd Ave. N.E.

Granite Falls, Wash. 98257

98-1 Asphalt Construction Co.

Box 938

Klamath Falls, Or. 97601

99-1 Al Schneck

Frank Bogatay

Evelyn J. McAttee

1941 Esplanade

Klamath Falls, Or. 97601

99-8 Same as T 98-1

(Map 3809-1820)

5200 L. N. Mass

Rt 3 Box 1404

Klamath Falls, Or. 97601

5700 Same as TL 5700

5900 Same as TL 5700

6000 Same as TL 5700

6100 Same as TL 5700

6200 State of Oregon

6300 Same as TL 5700

8400 Same as TL 5700

8500 Klamath County

8600 Same as TL 6200

8700 ^{the} 900 Same as TL 5700

Commissioner's
Journal

STATE OF OREGON; COUNTY OF KLAMATH; ss.

Filed for record ~~EX-100-100-100~~

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

duly recorded in Vol. 1578, of Needs on Page 26901

W. D. MILNE, County Clerk

No Fee

Jacqueline J. Mettler