

78275

BEFORE THE HEARINGS OFFICER

KLAMATH COUNTY, OREGON

Vol. 79 Page 28985

1
2 In the Matter of Request for)
3 Conditional Use Permit No. 79-38)
4 for Southern Oregon Broadcasting)
5 Company, Applicant)
6)

Klamath County Planning
FINDINGS OF FACT AND ORDER

7
8 A hearing was held in this matter at Klamath Falls,
9 Oregon, on December 12, 1979, pursuant to notice given in conform-
10 ith with Ordinance No. 35, Klamath County, before the Klamath
11 County Hearings Officer, Jim Spindor. The applicant was represent-
12 ed by Delbert Cantrall and Dudley D. Steademan. The Klamath County
13 Planning Department was represented by Carl Shuck and Jonathan
14 Chudnoff. The Hearings Reporter was Barbara Thomson.

15 Evidence was presented on behalf of the Department and
16 on behalf of the applicant. There were three (3) property owners
17 present who stated they had objections to the Conditional Use
18 Permit requested by the applicant. There was one (1) adjacent
19 property owner present who stated he had no objections to and
20 was in favor of the Conditional Use Permit requested by the
21 applicant.

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

24 Klamath County Exhibit A, the Staff Report
25 Klamath County Exhibit B, photos of subject property
26 Klamath County Exhibit C, Klamath County Assessor's Map
27 of subject property
28 Applicant's Exhibit No. 1, Plot Plan
Applicant's Exhibit No. 2, photo showing receiving

1 antenna.

28986

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

5 FINDINGS OF FACT:

6 1. The site is adequate in size and shape to house the
7 proposed activity, and will fit in with the surrounding neighbor-
8 hood so long as the conditions imposed hereinbelow are followed.

9 2. The site has adequate access to the streets and
10 highways to carry the traffic flow which will be generated by the
11 proposed use.

12 3. Although there was some testimony in opposition to
13 the granting of this permit, I find that there would be no adverse
14 effect on the abutting property owners so long as the conditions
15 imposed hereinbelow are followed.

16 4. The granting of this permit is consistent with the
17 goals of the L.C.D.C.

18 5. The issuance of this Conditional Use Permit is
19 conditioned as follows:

20 CONDITIONS:

21 1. Applicant shall follow the plot plan set forth on
22 Applicant's Exhibit No. 1.

23 2. Applicant shall do whatever is necessary to see
24 that young children are kept away from the receiving antenna.

25 3. This Conditional Use Permit is granted for a period
26 of one year from the date of this Order. Applicant shall have
27 the right to apply for an extension of this Conditional Use Permit
28 by giving the Planning Department written notice of their intent

28987

1 to apply for such an extension at least thirty (30) days before
 2 the above-mentioned one-year period has expired. If an extension
 3 is requested by the applicant, the Planning Department shall give
 4 surrounding property owners at least twenty (20) days written
 5 notice of a hearing prior to the date of said hearing.

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

8 That real property described as the
 9 "parcel of land approximately 79,223 square
 10 feet in size and generally located approximately
 11 400 feet north of Shasta Way and west of Madison
 12 Street, and more particularly described as Tax
 13 Lot 89 of Fair Acres No. 1 Subdivision, being
 14 in Township 38, Range 9, SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 35,
 15 Klamath County, Oregon"
 16 is hereby granted a Conditional Use Permit in accordance with the
 17 terms of the Klamath County Zoning Ordinance No. 35, and, hence-
 18 forth, will be allowed placement of a satellite receiving antenna
 19 facility in the RA (Residential Agricultural) zone.

20 Entered at Klamath Falls, Oregon, this 17th day of
 21 December, 1979.

22 KLAMATH COUNTY HEARINGS DIVISION
 BY [Signature]
 Hearings Officer

STATE OF OREGON; COUNTY OF KLAMATH; ss.

I hereby certify that the within instrument was received and filed for record on the 18th day of
December A.D., 1979 at 10:30 o'clock A M., and duly recorded in Vol M79
 of Deeds on Page 28985.

FEE None

WM. D. MILNE, County Clerk
 By [Signature] Deputy

C.U.P. 79-38
 Page -3-