

BEFORE THE HEARINGS OFFICER
18060 KLAMATH COUNTY, OREGON

17217

vs. M. S. Ruge

1 In the Matter of Request for)
2 Conditional Use Permit No. 47-82)
3 for O'Connor/PNB)

Klamath County Planning
Findings of Fact and Order

4
5 A hearing was held on this matter on November 18, 1982,
6 pursuant to notice given in conformity with Ordinance No. 45,
7 Klamath County, before the Klamath County Hearings Officer,
8 Jim Spindor. The applicant was present. The Klamath County
9 Planning Department was represented by Jonathan Chudnoff. The
10 Hearings Reporter was Karen Alberto.

11 Evidence was presented on behalf of the Department and
12 on behalf of the applicant. There were no adjacent property
13 owners present.

14 The following exhibits were offered, received, and made
15 a part of the record:

16 Klamath County Exhibit A, Staff Report

17 Klamath County Exhibit B, Location Map - Section 6

18 Klamath County Exhibit C, Location Map - Klamath Falls

19 Urban Area

20 Klamath County Exhibit D, Aerial Photo Map

21 Klamath County Exhibit E, Topographic Map

22 Klamath County Exhibit F, Photos

23 Klamath County Exhibit G, Picture of Reflector

24 The hearing was then closed, and based upon the evidence
25 submitted at the hearing, the Hearings Officer made the following
26 findings:

- 27 1. The use requested is for the construction of a passive
28 radio reflector in the RL (Low Density Residential) zone. Such

1 a use is permitted in said zone so long as the criteria of the
2 code and the state goals are met.

3 2. The location, site, design, and operating character-
4 istics of the proposed use are in conformance with the Klamath
5 County Comprehensive Plan, so long as the conditions set forth
6 hereinbelow are followed.

7 3. The location, site, design, and operating character-
8 istics of the proposed use will be compatible with and will not
9 adversely affect the liveability of abutting properties and the
10 surrounding neighborhood, so long as the conditions set forth
11 hereinbelow are followed.

12 4. The location, design and site planning of the proposed
13 use will provide a convenient and functional living environment
14 and will be as attractive as the nature of the use and its
15 location and setting warrant, so long as the conditions set forth
16 hereinbelow are followed.

17 5. The granting of this conditional use permit is con-
18 sistent with the goals of the LCDC so long as the conditions set
19 forth hereinbelow are followed.

20 6. The conditional use permit is granted subject to the
21 following conditions:

22 CONDITIONS:

23 a. The top of the reflector shall be constructed so that
24 it is below the top of the ridge which is in the immediate area.

25 b. The applicants shall consult with the Klamath County
26 engineer if any site grading is needed.

27 7. The granting of this conditional use permit with
28 conditions is based upon the following findings of fact:

1 FINDINGS OF FACT:

2 a. The request is for the installation of a passive
3 radio reflector. The reflector is part of a plan to improve
4 telephone service for the Merrill-Malin-Tulelake area. The
5 structure would reflect a beam of microwave energy from a trans-
6 mitter in Klamath Falls to a receiver being built in Merrill. The
7 beam would carry two-way telephone communications and would greatly
8 increase the capacity of service as well as allow for internation-
9 al direct dialing, all emergency calling and other features. The
10 present service is by an underground cable whose capacity could
11 only be increased by digging up its entire length and replacing it.

12 b. The reflector in question would resemble a blank
13 billboard and would be visible to much of the Klamath Falls urban
14 area since the ridge it would be on is part of the urban area's
15 western horizon. This facility will not be on the highest part
16 of the ridge and from most viewpoints will not extend above the
17 horizon. A similar reflector on the city's east side above Nob
18 Hill near OIT does not stand out in great contrast to the hills
19 behind it.

20 c. The area is soil class VII, generally not considered
21 to be agricultural or grazing land. The area is steep, rocky, and
22 covered with a dense growth of sagebrush. This area has no
23 history of agricultural use.

24 d. The property has no timber productivity rating. Except
25 for a scattering of junipers, there are no trees in the immediate
26 area.

27 e. The reflector would be 24' x 30' with an overall height
28 of about 32'. The 50' x 50' parcel is therefore adequate for this

1 structure.

2 f. The immediate area is not used for any purpose other
3 than some target shooting and some "four-wheeling." The reflector
4 would not interfere with these informal recreational uses.

5 g. The site does have adequate access to streets to
6 carry the traffic flow which would be generated by the proposed
7 use as no regular traffic will be generated by this use after
8 construction.

9 h. There was no testimony in opposition to the granting
10 of this permit and there was no evidence presented that the
11 granting of this permit will have any adverse effects on any
12 abutting property owners.

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

15 That real property described as
16 the ridge west of Lindley Heights, and more parti-
17 cularly described as a fifty-foot square located
18 in the SW $\frac{1}{4}$, NE $\frac{1}{4}$ of Section 6, Township 39, Range 9,
being a portion of Tax Lot 500,

19 is hereby granted a Conditional Use Permit in accordance
20 with the terms of the Klamath County Zoning Ordinance No. 45, and,
21 henceforth, will be allowed to construct a passive radio reflector
22 to improve service to the Merrill-Malin-Tulelake areas.

23
24 Entered at Klamath Falls, Oregon, this 6th day of
25 Dec., 1982.

26
27 KLAMATH COUNTY HEARINGS DIVISION

28 *D. J. ...*

Hearings Officer

STATE OF OREGON: COUNTY OF KLAMATH :ss

I hereby certify that the within instrument was received and filed for
record on the 6 day of Dec. A.D., 1982 at 1:02 o'clock P.M.,
and duly recorded in Vol. M82, of Deeds on page. 17217

COMMISSIONERS JOURNAL

Fee \$ No Fee

EVELYN BIEHN COUNTY CLERK

by *Joyce McArthur* Deputy