

BEFORE THE HEARINGS OFFICER
KLAMATH COUNTY, OREGON

20824

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In the Matter of Request for)
Conditional Use Permit No. 52-82) Klamath County Planning
for Kenneth Kinsman and Dan Kinsman) Findings of Fact and Order

A hearing was held on this matter on January 20, 1983, pursuant to notice given in conformity with Ordinance No. 45, Klamath County, before the Klamath County Hearings Officer, Jim Spindor. The Klamath County Planning Department was represented by Jonathan Chudnoff. Kenneth Kinsman was present on behalf of the applicants. The Hearings Reporter was Karen Alberto.

Evidence was presented on behalf of the Department and on behalf of the applicants. There were no adjacent property owners present.

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

Klamath County Exhibit A, Staff Report
Klamath County Exhibit B, Plot Plan
Klamath County Exhibit C, Assessor's Map
Klamath County Exhibit D, Photo
Klamath County Exhibit E, Noise Impact

The hearing was then closed, and based upon the evidence submitted at the hearing, the Hearings Officer made the following Conclusions of Law:

CONCLUSIONS OF LAW:

1. The proposed use is conditionally permitted in the zone within which it is proposed to be located.

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1 2. The location, size, design and operating character-
2 istics of the proposed use are in conformance with the Klamath
3 County Comprehensive Plan.

4 3. The location, size, design and operating character-
5 istics of the proposed use will be compatible with and will not
6 adversely affect the liveability of abutting property owners and
7 the surrounding neighborhood.

8 4. The location, design and site planning of the proposed
9 use will provide a convenient and functional living environment
10 and will be as attractive as the nature of the use and its loca-
11 tion and setting warrant.

12 5. The granting of this conditional use permit is con-
13 sistent with the goals of the LCDC.

14 6. This conditional use permit is granted subject to the
15 following conditions:

16 a. A noise impact evaluation shall be prepared
17 which identifies ambient noise levels within the subject prem-
18 ises and the extent of noise impact on the subject premises from
19 the airport and aircraft operations.

20 b. The applicant shall prepare a plan that will pro-
21 vide for adequate noise insulation with regard to his residence
22 and shall submit said plan to the Klamath County Planning Depart-
23 ment.

24 c. The applicant shall follow the plot plan as set
25 forth on Klamath County Exhibit No. B.

26 The above-mentioned Conclusions of Law are based on the
27 following Findings of Fact:

28 FINDINGS OF FACT:

The requested use has been granted with conditions based on the following findings of fact:

1. Applicant makes this request to allow a residence in the airport noise area; the zone in question is rural residential. Applicant intends to place a mobile home on the property in question; this mobile home will serve as a single family residence.

2. The property in question is approximately 42 acres, and only a small portion of it will be used for the mobile home.

3. The mobile home requested would fit in with the surrounding neighborhood and there was no evidence or testimony indicating that it would have any adverse affect on the area.

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

That real property described as the

"parcel of land generally located near Henley Road and Homedale Road, and more particularly described as Tax Lot 301, Section 25, Township 39, Range 9, Klamath County, Oregon,"

is hereby granted a Conditional Use Permit in accordance with the terms of the Klamath County Zoning Ordinance 45.1, and, henceforth, will be allowed a residence in the airport noise area in the RR (Rural Residential) zone.

Entered at Klamath Falls, Oregon, this 22nd Day of

February, 1983.

KLAMATH COUNTH HEARINGS DIVISION

J. D. [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 25 day of Feb. A.D., 1983 at 11:37 o'clock A M, and duly recorded in Vol M83, of Deeds on page. 2962

Fee \$ No Fee

COMMISSIONERS
JOURNAL

EVELYN BIEHN COUNTY CLERK
by [Signature] Deputy