

BEFORE THE HEARINGS OFFICER

54137

KLAMATH COUNTY, OREGON

Vol. M85 Page 16274

1 In the Matter of Request for)
2 Conditional Use Permit No. 33-85)
3 for Frank LeonDeMendoza)

Klamath County Planning
Findings of Fact and Order

4 A hearing was held on this matter on September 5, 1985, pur-
5 suant to notice given in conformity with Ordinance No. 45.2,
6 Klamath County, before the Klamath County Hearings Officer, Jim
7 Spindor. The applicant was present. The Klamath County Planning
8 Department was represented by Claudia Stine. The Hearings Re-
9 porter was Janet Libercajt.

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

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

15 Klamath County Exhibit A, Staff Report

16 Klamath County Exhibit B, Plot Plan

17 Klamath County Exhibit C, Assessors Map

18 Klamath County Exhibit D, Letter from County Health Dept.

19 Klamath County Exhibit E, Letter from State Aeronautics Div.
20 to Planning Department

21 Klamath County Exhibit F, Letter from State Aeronautics Div.
22 to Mr. LeonDeMendoza

23 Klamath County Exhibit G, Letter from State Aeronautics Div.
24 to Planning Dept. (8-29-85)

25 Klamath County Exhibit H, Letter from Robert Wisler to
26 Planning Department

27 Klamath County Exhibit I, Letter from Pacific Power & Light

28 Klamath County Exhibit J, Pictures

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

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1 Conclusions of Law:

2 CONCLUSIONS OF LAW:

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

5 2. The location, size, design and operating characteristics
6 of the proposed use are in conformance with the Klamath County
7 Comprehensive Plan.

8 3. The location, size, design and operating characteristics
9 of the proposed use will be compatible with and will not have sig-
10 nificant adverse affects on the appropriate development and use of
11 abutting property owners and the surrounding neighborhood so long
12 as the conditions set forth hereinbelow are followed.

13 4. The granting of this Conditional Use Permit is consis-
14 tent with the goals of the L.C.D.C.

15 5. The granting of this Conditional Use Permit is subject
16 to the following conditions:

17 a. The applicant shall register the airstrip with the
18 Oregon State Aeronautics Division.

19 b. The airstrip shall be used as defined in the Klamath
20 County Land Development Code under the definition of "air-
21 port, personal use," that is: an airstrip restricted except
22 for aircraft emergencies, to use by the owner, and, on an
23 infrequent and occasional basis, by his invited guests, and
24 by commercial aviation activities in connection with agri-
25 culture operations. No aircraft may be based on a personal
26 use airport other than those owned or controlled by the
27 owner of the airstrip.

28 c. There shall be no more than two aircraft kept

1 permanently at this airstrip.

2 d. The applicant shall follow all conditions of the
3 Oregon State Aeronautics Division as well as those of all other
4 applicable state and/or federal agencies.

5 FINDINGS OF FACT:

6 The Conditional Use Permit has been conditionally granted
7 based on the following Findings of Fact:

8 1. This is a request for a personal use airport in the FR
9 zone. The applicant is the owner of approximately 360 acres off
10 Highway 140 east of Bly. As shown in Exhibit "H", the airstrip
11 has been in existence on the property since 1973. The applicant
12 is resurfacing and upgrading. He is upgrading a 2,600' x 60'
13 strip off Highway 140. The surrounding area is national forest,
14 BLM land and some private parcels.

15 2. Notice of this hearing was sent to surrounding property
16 owners, to concerned public agencies and published in the Herald
17 & News, the Klamath Falls newspaper.

18 3. The property soils are in capability class VII. The
19 airport is in juniper-sagebrush type area and will not result in
20 removal of productive agricultural land.

21 4. The area has no timber productivity rating and the only
22 trees are small, scattered juniper. The only forest use of this
23 property among those listed by Goal 4 is wildlife habitat.

24 5. The applicant is basically upgrading an existing airport.
25 The property is in a deer wintering range. This proposal has been
26 sent to the Oregon Department of Fish and Wildlife and no comment
27 has been received from them.

28 6. The property is in a high wild-fire hazard area. A
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1 water resource is available on the property and there is fire-
 2 fighting equipment at Bly, 4½ miles to the west.

3 7. The proposal would provide the applicant with an airport
 4 for his personal use. The applicant has previously obtained a
 5 Conditional Use Permit for a camping area for recreational
 6 travelers on Highway 140. The national forest, BLM and timber
 7 company lands are extensively used for hunting, fishing, hiking
 8 and other forms of outdoor recreation.

9 8. There are electrical lines of concern in the area.
 10 Pacific Power has done an on-site investigation and has no ob-
 11 jections to this application being granted.

12 9. No one testified in opposition to the granting of this
 13 Conditional Use Permit and there has been no evidence presented
 14 that there would be any adverse affects on the appropriate
 15 development and use of abutting property owners and the sur-
 16 rounding area.

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

19 That real property described as
 20 "being generally located on the south side of Highway 140,
 21 approximately 4½ miles east of Bly, and more particularly
 22 described as the SW¼, NE¼ and SE¼, NW¼ of Section 17,
 Township 37, Range 15, Klamath County, Oregon,"

23 is hereby conditionally granted a Conditional Use Permit in
 24 accordance with the terms of the Klamath County Zoning Ordinance
 25 No. 45.2, and, henceforth, will be allowed a personal use airport
 26 in the FR zone.

27 Entered at Klamath Falls, Oregon, this 3rd Day of
 28 October, 1985.

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KLAMATH COUNTY HEARINGS DIVISION

Jim Spindor
 Jim Spindor, Hearings Officer

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of
 of October

A.D., 19 85 at 9:40 o'clock A M., and duly recorded in Vol. 16274 day
 of Deeds on Page 16274

FEE NONE

Return: Commissioner's Journal

Evelyn Biehn

By

County Clerk

Patricia Smith