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BEFORE THE HEARINGS OFFICER  
KLAMATH COUNTY, OREGON

Vol. 1480 Page 7583

In the Matter of Conditional  
Use Permit 3-86 for WC Ranch, Inc.)  
)  
)  
)

ORDER

86 May 1 PM 4 32

1. A hearing was convened on the 6th Day of February, 1986, before Bradford J. Aspell, Klamath County Hearings Officer. On request of Klamath County Planning Department a continuance of the hearing was granted to permit the Federal Aviation Agency adequate time to respond to the application. The Hearings Officer directed the Klamath County Planning Department to notify by mail all interested persons who had appeared at the hearing of the new time and date for continuance of the hearing. The hearing was reconvened on the 13th Day of March, 1986, at 1:30 p.m. at which time the applicant failed to appear, but submitted through Kim Lundahl of the Klamath County Planning Department Staff for continuance due to the applicant's representative attending a funeral on the date set for the hearing. In that there were three interested persons who sought to appear at the hearing, applicant's request was denied, with the provision that the hearing would be continued on this matter to 1:30 p.m. on May 1, 1986, for applicant's testimony and further public input. The hearing was thereafter opened.

2. The application of WC Ranch, Inc., is for issuance of a Conditional Use Permit to authorize applicant to construct a 20 foot by 20 foot building and construct a transmitter tower of approximately 175 feet tall, all to be constructed near the top of Stukel Mountain. The Comprehensive Land Use Plan designation

1 is Forestry and the zoning designation is FR (Forest-Range).  
2 The specific legal description is the E $\frac{1}{2}$ , SW $\frac{1}{4}$  of Section 10,  
3 Township 40 South, Range 10 East Willamette Meridian, Tax  
4 Account No. 4010-00000-01100-000-00. The total parcel is  
5 approximately 20 acres in size, and is a rectangular parcel of  
6 1,320 feet by 660 feet. Topography is steeply sloped, drainage  
7 is from surface runoff, vegetation consists of brush and grass,  
8 and access is gained by a private road through BLM ownership.  
9 The soils classification shows a SCS Class VII soil with no  
10 timber productivity rating. It is important to note that this  
11 property is on the top of Stukel Mountain, a barren knoll with  
12 an elevation of 6,525 feet or approximately 2,500 feet above the  
13 basin floor. Exhibit "C" shows a Plot Plan, Exhibit "E" an  
14 area map and Exhibit "B" details applicant's request.

15 3. This application is governed by Klamath County Land  
16 Development Code, Article 44, Conditional Use Permit and Section  
17 51.021, Forest-Range zone designation. Under Section 44.003(C),  
18 the Hearings Officer is required to determine that any proposed  
19 development will not have significant adverse effects on  
20 appropriate development in the area. Under Section 44.004(F)  
21 the Hearings Officer may attach conditions to the application.

22 4. The Hearings Officer finds from the testimony adduced  
23 to date that there is a substantial concern on the part of  
24 adjacent telecommunications users that certain adverse affects  
25 including certain radio interference and harmonic distortion  
26 may, depending upon type of transmission facility, power, and  
27 frequency adversely affect their use. Similarly, the Hearings  
28 Officer finds that while the Federal Communications Commission  
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1 has pre-empted the field insofar as issuing licensure, approving  
 2 the types and nature of transmission facilities, approving  
 3 frequencies and generally regulation of the airways, that the  
 4 adverse effects of such an application and those current existing  
 5 users will not be protected.

6 5. Accordingly in order to appropriately evaluate the  
 7 Conditional Use Permit application from the standpoint of land  
 8 use and land use planning, the application must be set forth  
 9 sufficient data so that the Hearings Officer may determine what  
 10 adverse affects may result from a grant of the application,  
 11 indeed adjoining property users and occupants must know more so  
 12 that they can make meaningful input to the application.

13 6. Accordingly it is the opinion and order of the  
 14 Hearings Officer that the application of WC Ranch, Inc., is  
 15 deemed incomplete and shall be ordered dismissed; providing,  
 16 however, that nothing construed herein shall prejudice the  
 17 applicant from promptly resubmitting an application meeting  
 18 the requisite criteria.

19 Dated this 1 Day of May, 1986.

20 KLAMATH COUNTY HEARINGS DIVISION

21  
 22 *Bradford J. Aspell*  
 23 Bradford J. Aspell  
 24 Hearings Officer  
 25  
 26  
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STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of \_\_\_\_\_ the \_\_\_\_\_ 1st \_\_\_\_\_ day  
 of May A.D., 19 86 at 4:32 o'clock P.M. and duly recorded in Vol. M86  
 of \_\_\_\_\_ Deeds on Page 7583

Evelyn Biehn, County Clerk  
 By *[Signature]*

FEE NONE

Return: Commissioner's Journal