

63408

BEFORE THE HEARINGS OFFICER

KLAMATH COUNTY, OREGON

1 In the Matter of Request for)
 2 Conditional Use Permit 21-86 for) Klamath County Planning
 3)
 4)
 5 Quentin L. Breen) Findings of Fact and Order
 6)

7 A hearing was held on this matter on May 1 and May 15, 1986,
 8 pursuant to notice given in conformity with Ordinance No. 45.2,
 9 Klamath County, before the Klamath County Hearings Officer, Jim
 10 Spindor. The applicant was present and was represented by
 11 Edward St. John. The Klamath County Planning Department was
 12 represented by Kim Lundahl. The Hearings Reporter was Janet
 13 Libercajt.

14 Evidence was presented on behalf of the Department and on
 15 behalf of the applicant. There were adjacent property owners
 16 present.

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

19 Klamath County Exhibit A, Staff Report
 20 Klamath County Exhibit B, Plot Plan
 21 Klamath County Exhibit C, Assessor's Map
 22 Klamath County Exhibit D, Assessor's Map
 23 Klamath County Exhibit E, Letter from Health Department
 24 Klamath County Exhibit F, Letter from Public Works
 25 Klamath County Exhibit G, Letter from Highway Division
 26 Klamath County Exhibit H, Pictures
 27 Klamath County Exhibit I, Letter from Klamath County
 28 Klamath County Exhibit J, Live Steam Magazine Pg. 52
 Klamath County Exhibit K, Additional Photos

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

4 CONCLUSIONS OF LAW:

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

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

10 3. The location, size, design, and operating characteristics
11 of the proposed use will be compatible with and will not have a
12 significant adverse affect on the appropriate development and use
13 of abutting property and the surrounding neighborhood.

14 4. The granting of this Conditional Use Permit is consistent
15 with the goals of the L.C.D.C.

16 5. This Conditional Use Permit is granted subject to the
17 following conditions:

18 a. The use of the property shall be limited to a live
19 steam railroad system.

20 b. The applicant shall obtain site plan approval by
21 the Planning Department prior to use of the property.

22 c. This use shall be reviewed within one year to ensure
23 it has been compatible with the area.

24 d. The installation of this railroad system shall be
25 as ecologically compatible with the area as is reasonably
26 possible.

27 FINDINGS OF FACT:

28 The requested use has been granted with conditions based on
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1 the following Findings of Fact:

2 1. This request is for a Conditional Use Permit to
3 establish a private park on approximately 160 acres southwest of
4 Chiloquin. The property is south of State Highway 422 and 1/4 mile
5 west of Highway 97.

6 2. The zone of the property is EFU-CG (Exclusive Farm Use-
7 Cropland/Grazing). The soil is SCS V. There was testimony that
8 the property was cleared in 1960 for farming purposes, but that
9 it could not be farmed successfully. There has been no farming
10 or agricultural use of the property for the last ten years. The
11 Planning Department states that the low intensity of use
12 envisioned for the property by this Conditional Use Permit would
13 not preclude its use for grazing.

14 3. The park would be devoted to and used by hobbyists,
15 building and operating and maintaining a 1/8 scale model railroad.
16 An adjacent owner operates a small model railroad system on
17 property to the north, and the proposed system would tie into
18 this system, and eventually others as they are built. The
19 intensity of the use, following construction, would be minimal
20 and non-commercial. At certain times the property would be open
21 to the public; however, the fee charged would not be such that it
22 would be a commercial venture, but merely to help defer cost.
23 The primary reason for establishing this site is as a "live
24 steam club".

25 4. Exhibit "F", a letter from the Klamath County Director
26 of Public Works, expresses concern with the tracks crossing
27 highways; however, the applicant stated that there would be
28 no grade crossing of any highway.

1 5. Notice of this hearing was sent to the surrounding
2 property owners, to concerned public agencies, and published in
3 the Herald and News, a Klamath Falls newspaper.

4 6. No one testified in opposition to the granting of this
5 permit, and no evidence was presented that there would be any
6 adverse affects to the abutting property or the surrounding area
7 by the granting of this permit.

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

10 That real property described as

11 "Being generally located south of State Highway 422,
12 1/4 mile west of Highway 97, and more particularly
13 described as the E1/2, NW1/4 of Section 9, Township 35,
14 Range 7, Klamath County, Oregon,"

15 is hereby conditionally granted a Conditional Use Permit in
16 accordance with the terms of the Klamath County Zoning Ordinance
17 No. 45.2, and, henceforth, will be allowed to establish a
18 private park (1/8 scale model railroad track and accessory
19 buildings) in the EFU-CG zone.

20 Entered at Klamath Falls, Oregon, this 3rd Day of
21 July, 1986.

22 KLAMATH COUNTY HEARINGS DIVISION

23 Jim Spindor
24 Jim Spindor, Hearings Officer
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STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of _____
of _____ July _____ A.D. 19 86 at 12.32 o'clock P M., and duly recorded in Vol. M86
of Deeds on Page 11852

FEE NONE

Return: Commissioner's Journal

Evelyn Biehn, County Clerk
By Am Smith