

## BEFORE THE HEARINGS OFFICER

## KLAMATH COUNTY, OREGON

1 In the Matter of Request for )  
 2 Conditional Use Permit 17-86 ) Klamath County Planning  
 3 for Michael and Shelley Lighter ) Findings of Fact and Order  
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7 A hearing was held on this matter on May 1, 1986, pursuant  
 8 to notice given in conformity with Ordinance No. 45.2, Klamath  
 9 County, before the Klamath County Hearings Officer, Jim Spindor.  
 10 The applicant was present. The Klamath County Planning Department  
 11 was represented by Kim Lundahl. The Hearings Reporter was Janet  
 12 Libercajt.

13 Evidence was presented on behalf of the Department and on  
 14 behalf of the applicant. There was one adjacent property owner  
 15 present.

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

18 Klamath County Exhibit A, Staff Report

19 Klamath County Exhibit B, Plot Plan

20 Klamath County Exhibit C, Assessor's Map

21 Klamath County Exhibit D, Pictures

22 Klamath County Exhibit E, Letter from City of Klamath Falls

23 Klamath County Exhibit F, Letter from State Aeronautics

24 Klamath County Exhibit G, Letter from Highway Division

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

28 CONCLUSIONS OF LAW:

1. The proposed use is conditionally permitted in the zone

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1 within which it is proposed to be located.

2 2. The location, size, design, and operating charac-  
3 teristics of the proposed use are in conformance with the Klamath  
4 County Comprehensive Plan.

5 3. The location, size, design, and operating characteristics  
6 of the proposed use will be compatible with and will not have a  
7 significant adverse affect on the appropriate development and  
8 use of abutting property and the surrounding neighborhood.

9 4. The granting of this Conditional Use Permit is con-  
10 sistent with the goals of the L.C.D.C.

11 5. This Conditional Use Permit is granted subject to the  
12 following conditions:

- 13 a. The use of this property shall be limited to one  
14 helicopter to be operated by Lighter Helicopter Service.  
15 b. The applicant shall not use the property for more than  
16 30 take-offs and landings per month.  
17 c. The applicant shall not hold promotions at the property.  
18 d. The permitted helicopter shall not be used for spraying  
19 or dusting purposes.  
20 e. The applicant shall comply with all Federal and State  
21 regulations with regard to this use.  
22 f. This use shall be reviewed within one year to assure it  
23 has been compatible with the area.

24 FINDINGS OF FACT:

25 This requested use has been granted with conditions based  
26 on the following Findings of Fact:

- 27 1. This request is for a Conditional Use Permit to allow a  
28 personal heliport. The operation consists of one small helicopter

1 engaging in weekly "joy-riding", promotions for area merchants,  
2 and work normally accomplished by helicopter services.

3 2. The property is in the EFU-C (Exclusive Farm Use-Cropland)  
4 zone. It is approximately 3.93 acres in size and is irregular  
5 in shape.

6 3. The soils are SCS III. The granting of this permit will  
7 have no adverse affect on agriculture in the area.

8 4. Notice of this hearing was sent to surrounding property  
9 owners, to concerned public agencies, and published in the Herald  
10 and News, the Klamath Falls newspaper.

11 5. There was some concern with flight operations around the  
12 500 KV transmission line just east of the property; however,  
13 Pacific Power and Light have stated they have no objections to  
14 the granting of this permit.

15 6. The applicant states that the noise involved with this  
16 use to the neighborhood is no more than an 18 wheel truck passing  
17 by, which is a common occurance in this area.

18 7. Although there has been a complaint to the Planning  
19 Department, no one appeared and testified to the granting of this  
20 permit, and no evidence was presented that there would be any  
21 adverse affect to the abutting property or surrounding area by  
22 the granting of this permit.

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

25 That real property described as  
26 "Being generally located east of Tingley Lane, 375 feet  
27 north of Miller Island Road, and more particularly  
28 described as a Portion of the SW $\frac{1}{4}$  SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 21,  
Township 39, Range 9, Klamath County, Oregon,"

is hereby conditionally granted a Conditional Use Permit in  
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1 accordance with the terms of the Klamath County Zoning Ordinance  
2 No. 45.2, and, henceforth, will be allowed to establish a  
3 personal use heliport in the EFU-C zone.

4 Entered at Klamath Falls, Oregon, this 3<sup>rd</sup> Day of  
5 July, 1986.

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9 KLAMATH COUNTY HEARINGS OFFICER

10 Jim Spindor  
11 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 day  
of Deeds on Page 11859

FEE

NONE

Return: Commissioner's Journal

By Evelyn Biehn, County Clerk

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