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BEFORE THE HEARINGS OFFICER

KLAMATH COUNTY, OREGON

In the Matter of Request for)
Conditional Use Permit 46-86 for) Klamath County Planning
Gienger Enterprises, Inc.) Findings of Fact and Order

A hearing was held on this matter on December 18, 1986, pursuant to notice given in conformity with Ordinance No. 45.2, Klamath County, before the Klamath County Hearings Officer, Jim Spindor. The Klamath County Planning Department was represented by Carl Shuck and Kim Lundahl. The Hearings Reporter was Janet Libercajt. Both applicant and representative were present.

Evidence was presented on behalf of the Department and on behalf of the applicant. 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, Plot Plan II
Klamath County Exhibit E, Comments from Highway Division
Klamath County Exhibit F, Letter to Mr. Breen from Highway Dept. (12-12-86)
Klamath County Exhibit G, Letter from Chiloquin-Agency Lake Rural Fire Protection Dist.

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

1 within which it is proposed to be located.

2 2. The location, size, design, and operating characteristics
3 of the proposed use are in conformance with the Klamath County
4 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 use
8 of abutting property and the surrounding neighborhood.

9 4. The granting of this conditional use permit is consistent
10 with the goals of the Land Conservation and Development Commission.

11 5. This conditional use permit is granted subject to the
12 following conditions:

13 (a) Operation of the model railroad system is to be non-
14 commercial and non-profit.

15 (b) Development of accessory buildings and use require site
16 plan approval by the Klamath County Planning Director prior
17 to the commencement of operations.

18 (c) There shall be a review in one (1) year to determine
19 if the conditional use permit is operating without problems.

20 FINDINGS OF FACT:

21 This request has been granted conditionally based on the
22 following findings of fact:

23 1. The applicant requests a conditional use permit under
24 Section 51.018(C)(6) of the Klamath County Land Development Code,
25 and seeks to add 137 acres to a 200 acre park site already
26 developed southwest of Chiloquin.

27 2. This park is to be devoted to and used by hobbyists who
28 would build, operate and maintain a 1/8 scale model railroad. An
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1 adjacent property owner operates a small model railroad system
2 on property to the south, and the proposed expansion will tie
3 into this system. The intensity of the use, following con-
4 struction, will be minimal and non-commercial.

5 3. The project site is zoned EFU-CG (Exclusive Farm Use-
6 Cropland, Grazing). State and local Goal 3 require this property
7 to be preserved for agricultural use. However, staff feels that
8 the intensity and type of use requested would not preclude its
9 use for livestock grazing, and therefore recommends the approval
10 of this request.

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

14 5. No one testified in opposition to the granting of this
15 permit and no evidence was presented that there would be any
16 adverse affects to the abutting property or to the surrounding
17 area by the granting of this permit.

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

20 That real property described as

21 "Being generally located on a Portion of the W 1/2, Section 4,
22 Township 35 South, Range 7 East, north of Highway 422,
23 and more particularly described as Lots 14, 15, 23, 24, 25,
and the W 1/2 of Lots 16, 22, 32, and 35 of Section 4,
Township 35 South, Range 7 East, Klamath County, Oregon,"

24 is hereby conditionally granted a conditional use permit in
25 accordance with the terms of the Klamath County Zoning Ordinance

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No. 45.2, and, henceforth, will be allowed to build, operate, and maintain a 1/8 scale model railroad in the EFU-CG zone.

Entered at Klamath Falls, Oregon, this 12th Day of MARCH, 1987.

KLAMATH COUNTY HEARINGS DIVISION

Jim Spindor
Jim Spindor, Hearings Officer

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County Planning Dept. the 16th day of March A.D., 19 87 at 2:42 o'clock P M., and duly recorded in Vol. M87 of Deeds on Page 4164.

FEE NO FEE
Return: Commissioners' Journal

Evelyn Biehn, County Clerk
By [Signature]

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