

## BEFORE THE HEARINGS OFFICER OF KLAMATH COUNTY, OREGON

In the Matter of the Request for a Conditional Use )

Permit by: TRITON CELLULAR PARTNERS. )

ORDER

CASE NUMBER CUP 15-99

## 1. NATURE OF THE REQUEST

The applicant, TRITON CELLULAR PARTNERS has applied for a permit to build a 40' cell phone tower on a site approximately 100'x100' on 80 acres zoned EFU-C. This request was heard by the hearings officer April 16, 1999. The request was reviewed for conformance with Klamath County Land Development Code Article.

## 2. NAMES OF PARTICIPANTS

The hearings officer reviewing this application is Joan-Marie Michelsen. The applicant appeared and offered testimony. The planning department was represented by Kim Lundahl. The recording secretary Karen Burg.

## LOCATION OF PROPERTY

The property in question is por SW ¼ Sec 3T 41S R 11E, TA 411-3-1200

## 3. MATERIALS CONSIDERED

All evidence submitted by the applicant and located in the Staff Report was considered as was the written and oral testimony given April 16, 1999.

## 4. FINDINGS

The Hearings officer FINDS AS FOLLOWS:

- a. The development of this type of structure is not included in the permitted uses for this zoning, however the LDC permits utilities subject to certain findings.
- b. Road access is sufficient.
- c. The applicant did demonstrate sufficient need for the proposed site.
- d. A Cell phone tower is a Utility Facility necessary for Public Service.
- e. There is no other location which is not in an agricultural zone which would meet the service.
- f. The applicant stated under oath that all materials would be non-reflective and designed for minimal visual except for the galvanized waveguide bridge.
- g. The applicant agreed that an order restricting building materials was acceptable.

## 5. ORDER

Therefore, it is hereby ordered that the applicants request to develop a 40' cellular communication tower is approved subject to the following conditions:

- a. No existing tree shall be cut for this project.

- b. The panel antenna, equipment shelter and crossbraces shall all be constructed of nonreflective materials, the shed shall be of a color which is harmonious with the area.
- c. The utility pole shall be wood and no taller than 40' when installed.
- d. All activities shall be conducted in such a manner as to keep soil erosion to an absolute minimum.
- e. The disruption to the area shall not exceed the area delineated on the plot plan.
- f. The applicant shall maintain the facility so as to minimize any fire risk.

Dated this 16<sup>th</sup> day of April, 1999

  
Joan Marie Michelsen  
Hearings Officer

### NOTICE OF APPEAL RIGHTS

You are hereby notified this application may be appealed to the Klamath County Board of Commissioners by filing with the Klamath County Planning Department a Notice of Appeal as set out in Section 33.004 of the Klamath County Land Development Code together with the fee required within SEVEN DAYS (7) following the mailing date of this order.

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STATE OF OREGON : COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County the 22nd day  
of April A.D., 1999 at 9:37 o'clock A M., and duly recorded in Vol. M99  
of Deeds on Page 14751

Linda Smith, County Clerk

FEE none

Ret: Comm. Journal

by Linda Smith