

BEFORE THE HEARINGS OFFICER OF KLAMATH COUNTY, OREGON

In the Matter of the Request for a Conditional Use)

Permit by: Electric Lightwave Inc..)

ORDER

CASE NUMBER CUP 24-99

1. NATURE OF THE REQUEST

The applicant, ELECTRIC LIGHTWAVE Inc. has applied for a permit to build a fiber optic communications facility. The property is zoned Forestry and owned by Collins products. This request was heard by the hearings officer May 21, 1999. The request was reviewed for conformance with Klamath County Land Development Code.

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 was Karen Burg.

LOCATION OF PROPERTY

The property in question is por NW ¼ Sec 32. T 35S R 13E. TA 3513-32-1200

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.

4. FINDINGS

The Hearings officer FINDS AS FOLLOWS:

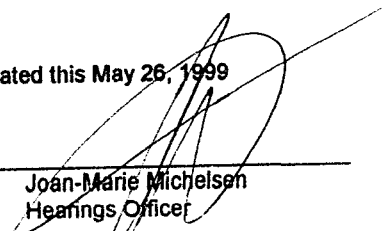
- a. The development of this type of structure is not included in the permitted uses for this zoning, however the LDC permits utilities subject to certain findings.
- b. Road access is sufficient.
- c. The applicant did demonstrate sufficient need for the proposed site.
- d. There is no other location which would meet the service need as well which is zoned for such a use.
- e. The applicant stated under oath that the construction materials would be non-reflective and designed for minimal visual impact.
- f. There is a BPA high voltage power line very near this site.
- g. The area is already visually disturbed.
- h. The applicant agreed to obtain an agreement from Collins products to not cut or otherwise remove the current screening vegetation.

5. ORDER

Therefore, it is hereby ordered that the applicants request is approved subject to the following conditions:

- a. No existing tree shall be cut for this project.
- b. The shed shall be constructed of nonreflective materials and shall be of a color which is harmonious with the area.
- c. The disruption to the area shall not exceed the area delineated on the plot plan.
- d. The applicant shall maintain the facility so as to minimize any fire risk.
- e. The applicant, before construction, shall file an agreement from the landowner stating that the existing screening trees and vegetation between the road and the facility, or within 100' of the facility, shall not be disturbed except for as necessary for reasonable forest management, excluding commercial harvest, and fire control.
- f. This permit shall be ineffective until the above is filed.

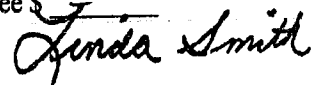
Dated this May 26, 1999


Joan-Marie Michelsen
Hearings Officer

NOTICE OF APPEAL RIGHTS

Your 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.

State of Orēgon, County of Klamath
Recorded 6/01/99, at 11:31 a.m.
In Vol. M99 Page 21424
Linda Smith, County Clerk
Fee \$



Return: Commissioners Journal