

BEFORE THE HEARINGS OFFICER OF KLAMATH COUNTY, OREGON

In the Matter of the Request for a Conditional Use)

Permit by: Crook County RSA Limited)
Partnership, dba United States Cellular.)ORDER
CASE NO. CUP 39-99

1. NATURE OF THE REQUEST

The applicant has applied for a permit to build a 100 foot high metal monopole antenna support structure and a 12' by 20' prefabricated electronic equipment building on a 50' by 50' leased parcel located on top of Steiger Butte, Klamath County, Oregon. The land in question is zoned Forestry. This request was heard by the hearings officer July 2, 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.

3. LOCATION AND OVERVIEW OF PROPERTY

The property is located within SE ¼ SE ¼ Sec. 29, T 34S R 7E. T.A. 3407-29-1100.

There is legal and adequate access to the property by way of an easement from Highway 422N.
The property has fire protection.

The land is presently undeveloped and unused but near existing communication facilities on Steiger Butte.
There is no need for sewer or water.

4. MATERIALS CONSIDERED

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

5. FINDINGS

The Hearings officer FINDS AS FOLLOWS:

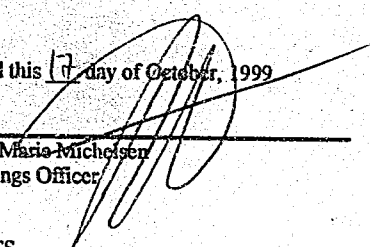
- a. Applicant requests a permit for the construction and use of a monopole antenna and equipment building for a communication facility is a Conditional Use as listed in Section 55.040(g) – Conditional Uses, Forestry (F).
- b. Approval of the requested structures will not create conditions or circumstances that are contrary to the purposes or intent of county planning laws.
- c. The top of Steiger Butte where the land is located has a sparse cover of native vegetation and is primarily undeveloped except for an existing electronic communications site.
- d. The proposed use will not require water and the site is unmanned.
- e. The proposed use will not require a sewage system.
- f. The land is within a fire protection district.
- g. There is an improved private access road from Highway 422N. to the top of Steiger Butte.
- h. There will be no significant visual impact created, and the use will not generate any significant odors, smoke or noise that would disrupt or change the forest practices or grazing activities that are generally associated with the Forest Zone.
- i. The proposed use will be compatible with surrounding land uses.

6. ORDER

Therefore, it is hereby ordered that the applicant request for a conditional use permit is approved subject to the following conditions:

- a. The constructions materials shall, wherever possible, be non-reflective and earth-toned in color.
- b. The applicant shall have 2 years to complete the development.
- c. The applicant shall, within 30 days of the project being constructed, submit photographic documentation to the county demonstrating that non-reflective and earth-toned materials were used.
- d. The use of plain galvanized steel shall be kept to a minimum and earth-toned materials shall be substituted where possible.
- e. Prior to the issuance of final permits and approvals the applicant must demonstrate that all other relevant Federal and State laws are being complied with and that all other necessary permits, such as any regarding air space have been properly obtained.
- f. This permit shall allow modification of the design to accommodate a shorter installation should that be necessary.
- g. Before the necessary permits are granted applicant will submit a design to the planning department for visual mitigation showing that the tower has been disguised to blend into the surrounding area, a design mitigation as a conifer is acceptable but a snag might me easier and would also be acceptable.

Dated this 17 day of October, 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.

State of Oregon, County of Klamath
 Recorded 10/20/99, at 9:41 a. m.
 In Vol. M99 Page 41678
 Linda Smith,
 County Clerk Fee\$ NC