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Vol. *M* Page 9235

Klamath County ~ Planning Department

XXXXXXXXXXXXXXXXXXXX — 503-882-2501 — KLAMATH FALLS, OREGON 97601
Courthouse

May 17, 1977

N O T I C E

Dear Property Owners:

The attached Temporary Permit Order will become effective May 27, 1977, unless there is an appeal by you or adjacent property owners.

Please call our office if you have any questions concerning this Temporary Permit, and please be advised that you do have a right to appeal this matter as mentioned above.

Sincerely,

Denise Hill
Denise Hill
Secretary

Attachment

27 MAY 17 1977

KLAMATH COUNTY HEARINGS OFFICER
In and For the County of Klamath, State of Oregon

IN THE MATTER OF APPLICATION)
FOR TEMPORARY PERMIT 77-5)
DICK BAUMGARDNER)

O R D E R

THIS MATTER having come on for hearing on May 11, 1977, before the Klamath County Hearings Officer and it appearing from the testimony of the applicant, Dick Baumgardner, and Klamath County Planning Department Staff Members, Carl Shuck and Pete Wall, that the application was properly in order and from Klamath County Exhibits A, B, C and D, which were admitted into the record, that Temporary Permit 77-5 should be granted and, therefore, it is hereby ordered that Temporary Permit 77-5 for Dick Baumgardner to allow removal of sand and gravel on the back portion of Tax Lot 49, more particularly described on Exhibit A, attached hereto and by reference made a part hereof, should be granted for a period not to exceed two years, based upon the following findings of fact and conclusions of law and subject to the below conditions:

1. The applicant's property is located in a C-5 (Commercial Highway) zone in which quarry activities are not given as a permitted use under the Klamath County Zoning Ordinance No. 17.

2. However, it appears that the amount of sand and gravel which is located on the property, upon removal would substantially level the property and tend to improve it as a building site.

3. The property in question is presently undeveloped and is located in an underdeveloped, albeit rapidly developing part of Klamath County.

4. Because the property surrounding the area is in large part owned by the applicant, Tax Lot 24 and 25 directly across the street, the majority of the adverse effect would be felt on the applicant's own property and the applicant would have a vested interest in not reducing the property values within the immediate area.

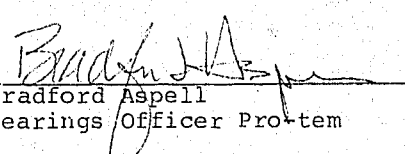
5. It appears from the intended use that there will not be a substantially greater amount of traffic generated on the property.

ORDER: TEMPORARY PERMIT 77-5
Dick Baumgardner
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6. However, granting of the requested temporary permit for a period of five years appears to be excessive because of the rapid development in the area and it is conceivably possible that to allow the commercial removal of sand and gravel exceeding a period of two years may adversely affect the public health, safety or welfare. However, if the sand and gravel have not been completely removed within this period, nothing contained herein shall preclude applicant from again applying for a Temporary Permit. Therefore, it is hereby ordered that Temporary Permit 77-5 be granted for Dick Baumgardner on the real property described in Exhibit A, attached hereto and by reference made a part hereof, for a period to and including May 15, 1979.

DONE AND DATED THIS 13th DAY OF MAY, 1977.


Bradford Aspell
Hearings Officer Pro-tem

9238

EXHIBIT A
TEMPORARY PERMIT 77-5
DICK BAUMGARDNER

Starting at a point marked by a two-inch iron pipe which is 939 feet south of a 1½ inch iron pipe which is 30 feet east of the corner common to Sections 1 and 12, Township 39 South Range 9 East Willamette Meridian and Sections 6 and 7 of Township 39 South, Range 10 East Willamette Meridian; thence North 200 feet to the true point of beginning then north 400 feet; thence east 400 feet; thence south parallel to westerly boundary line of said Section 7, two hundred feet; thence Easterly 325 feet more or less, to the westerly side of the canal of the Enterprise Irrigation District; thence southerly and westerly along the westerly side of said canal and its lateral to a point due east of the point of beginning; thence west 576 feet, more or less, to the place of beginning, Klamath County, Oregon.

STATE OF OREGON; COUNTY OF KLAMATH; ss.

Filed for record at request of KLAMATH COUNTY PLANNING DEPT
10:20
this 27th day of May A. D. 19 77 at 10:20 o'clock A. M. and
duly recorded in Vol. 177, of DEEDS on Page 9235

NO FEE

Wm D. MILNE, County Clerk
By Hazel Drayton