

48412

Vol. 28 Page 10316

BEFORE THE HEARINGS OFFICER

KLAMATH COUNTY, OREGON

In the Matter of Request for )  
Conditional Use Permit 78-8 for ) Klamath County Planning  
Donovan Kendall, Applicant ) FINDINGS OF FACT AND ORDER

A hearing was held in this matter at Klamath Falls, Oregon, on May 10, 1978, pursuant to notice given in conformity with Ordinance No. 35, Klamath County, before Klamath County Hearings Officer, Del Parks. The applicant was present. The Klamath County Planning Department was represented by Carl Shuck. The Hearings Reporter was Isabel Rodriguez.

Evidence was presented on behalf of the Department and on behalf of the applicant. There were no adjacent property owners present who stated they had objections to the proposed Conditional Use Permit requested by the applicant.

The following Exhibits were offered, received and made a part of the record:

Klamath County Exhibit A, the Staff Report  
Klamath County Exhibit B, photos of the subject property  
Klamath County Exhibit C, a Klamath County Assessor's map of the subject property  
Klamath County Exhibit D, a Klamath County Zoning map of the subject property  
Klamath County Exhibit E, Reclamation Plan Guideline from the Department of Geology and Mineral Industries  
Applicant's Exhibit I, Plot Plan

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1 The hearing was then closed, and based upon the evidence  
2 submitted at the hearing, the Hearings Officer made the following  
3 findings of fact:

4 FINDINGS OF FACT:

5 1. The Applicant has failed to show that there is a  
6 need for such an activity in the area.

7 2. Before any further consideration for this request  
8 will be made, the applicant must present to the Planning Depart-  
9 ment a complete proposal of the plan for the area. This proposal  
10 should include such items as a fencing proposal, mosquito control  
11 in the area, a showing of adequate resources, and that the  
12 applicant has complied with the Department of Geology and Mineral  
13 Industries.

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

16 That real property described as the

17 "parcel of land approximately 30 acres  
18 in size and being Tax Lot 4402, and  
19 more particularly described as Lot 3  
20 of the NE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 18, Township  
23 South, Range 10 East of the Willamette  
Meridian, Klamath County, Oregon"

21 is hereby denied a Conditional Use Permit in accordance with the  
22 terms of the Klamath County Zoning Ordinance No. 17 and henceforth  
23 will not be granted a Conditional Use Permit until the above-  
24 named conditions have been met. The applicant will be given  
25 the period of two months in which to meet these conditions. Upon  
26 meeting the requirements as set forth above, a new hearing will  
27 then be scheduled to reconsider this request for a Conditional Use  
28 Permit to operate a commercial quarry.

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1 Entered at Klamath Falls, Oregon, this 15 day  
2 of May, 1978.  
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5 KLAMATH COUNTY HEARINGS DIVISION

6 By   
7 Hearings Officer  
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# Klamath County - Planning Department

COURTHOUSE — 503-882-2501, Ext. 285 — KLAMATH FALLS, OREGON 97601

IN THE MATTER OF  
MAILING NOTICES FOR  
*Gorvan Kendall*

)  
)  
)

## AFFIDAVIT OF MAILING

STATE OF OREGON  
County of Klamath

)  
)

I, *Isabel Rodriguez*, being first duly sworn, depose and say that I am an employee of the Klamath County Planning Department, and that on the *16<sup>th</sup> of May, 1978*, I did deposit in the U.S. postal system *four* copies of said MAILING NOTICE, a copy of same being attached hereto, in a sealed envelope addressed to those individuals on the mailing list attached hereto.

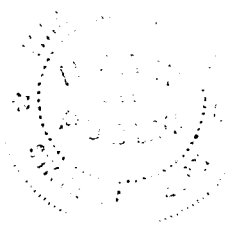
*Isabel Rodriguez*

SUBSCRIBED and sworn to before me this *16<sup>th</sup>* day of *May* 19 *78*.

*Mary C. Sullivan*  
NOTARY PUBLIC FOR OREGON

My commission expires

*2-6-82*



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Copies of the Order for Conditional Use Permit 78-8  
for Donovan Kendall, Jr. were sent to the following:

Board of Commissioners  
Courthouse Annex  
Klamath Falls, OR 97601

Assessor's Office  
Courthouse Annex  
Klamath Falls, OR 97601

Clerk's Office  
Courthouse  
Klamath Falls, OR 97601

Donovan Kendall, Jr.  
P.O. Box 673  
Gilchrist, OR 97737

OF OREGON; COUNTY OF KLAMATH; ss.  
and for record at request of Klamath County  
on 17th day of May A.D. 19 78 at 3:03 PM, and  
only recorded in Vol. M78, of Deeds, on Page 10316

Wm D. MILNE, County Clerk

By Bernetha H. Helock

No Fee