

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 July 12, 1978, pursuant to notice given in conformity with Ordinance No. 35, Klamath County, before Klamath County Hearings Officer, Jim Spindor. The applicant was not present nor anybody representing Mr. Kendall was present. The Klamath County Planning Department was represented by Carl Shuck. The Hearings Reporter was Isabel Rodriguez.

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

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

18642

1 FINDINGS OF FACT:

2 1. There were Findings of Fact and an Order entered on
3 May 15, 1978, giving Mr. Kendall two months to meet certain
4 conditions, otherwise the Conditional Use Permit would be denied.
5 That Order will be in effect, and if Mr. Kendall does not get the
6 proposal in to the Planning Department within the 60 days from
7 the date of the original Order dated May 15, 1978, the Conditional
8 Use Permit will automatically be denied.

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

11 That real property described as the

12 "parcel of land approximately 30 acres
13 in size, being Tax Lot 4402, Lot 3 and
14 lying west of State Highway 97 and more
15 particularly described as Lot 3 of the
16 NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 18, Township 23 South,
17 Range 10 East of the Willamette Meridian,
18 Klamath County, Oregon"

16 is hereby denied a Conditional Use Permit in accordance with the
17 terms of the Klamath County Zoning Ordinance No. 17 and henceforth
18 will not be allowed the placement of a commercial quarry.

19 Entered at Klamath Falls, Oregon, this 17th day
20 of July, 1978.

21
22 KLAMATH COUNTY HEARINGS DIVISION

23
24 By [Signature]
25 Hearings Officer
26
27
28

IN THE MATTER OF)
Conditional Use Permit)
78-8)
STATE OF OREGON)
County of Klamath)

18643

AFFIDAVIT OF MAILING

FOR

Donovan Kendall

The undersigned certifies that as an employee of the Klamath County Planning Department she served the foregoing on the parties on August 15, 1978 by depositing a copy of said Findings of Fact and Order in a sealed envelope in the United States mail at Klamath Falls, Oregon, with postage thereon fully prepaid and addressed to the said parties at their last known place of business or residence, as follows:

County Commissioners
Courthouse Annex
Klamath Falls, OR 97601

Clerk's Office
Courthouse
Klamath Falls, OR 97601

Assessor's Office
Courthouse Annex
Klamath Falls, OR 97601

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

Isabel Rodriguez
Hearings Reporter

SUBSCRIBED and sworn to before me this 15 day of August, 1978.

Carl J. Smith
NOTARY PUBLIC FOR THE STATE OF OREGON
My Commission Expires:

STATE OF OREGON; COUNTY OF KLAMATH; ss. .

I hereby certify that the within instrument was received and filed for record on the 22nd day of August A.D., 1978 at 1:55 o'clock P. M., and duly recorded in Vol. 476 of Deeds on Page 18641.

FEE None

WM. D. MILLER, County Clerk

By Donovan Kendall Deputy