

BEFORE THE HEARINGS OFFICER

KLAMATH COUNTY, OREGON

Vol. 2 Page 4150

1  
2  
3  
4 In the Matter of Request for )  
5 Conditional Use Permit No. 80-8 )  
6 for J. N. S. Excavation Company, )  
7 Applicant )  
8 )

Klamath County Planning  
FINDINGS OF FACT AND ORDER

9  
10 A hearing was held in this matter at Klamath Falls,  
11 Oregon, on March 5, 1980, pursuant to notice given in conformity  
12 with Ordinance No. 35, Klamath County, before the Klamath County  
13 Assistant Hearings Officer, James R. Uerlings. The applicant was  
14 present. The Klamath County Planning Department was represented  
15 by Carl Shuck. The Hearings Reporter was Barbara Thomson.  
16 Evidence was presented on behalf of the Department and on behalf  
17 of the applicant. There were two people present who stated they  
18 were in favor of the Conditional Use Permit requested by the  
19 applicant. There were eight people present who stated they were  
20 in opposition to the Conditional Use Permit requested by the  
21 applicant.

22 The following exhibits were offered, received, and made  
23 a part of the record:

24 Klamath County Exhibit A, the Staff Report  
25 Klamath County Exhibit B, B-1, photos of subject property  
26 Klamath County Exhibit C, Klamath County Assessor's Map  
27 of subject property  
28 Applicant's Exhibit No. 1, the Plot Plan  
Applicant's Exhibit No. 2, general information for the

30 MAR 19 11 10 24

1 proposed solid waste site  
2 Applicant's Exhibit No. 3, map showing disposal sites  
3 Applicant's Exhibit No. 4, letter from Charles D. Bury,  
4 M. D., Health Officer, Klamath County Department of Health  
5 Services  
6 Applicant's Exhibit No. 5, letter from Russell A. Mull,  
7 R. S., Director of Environmental Health Division, Klamath  
8 County Department of Health Services  
9 Applicant's Exhibit No. 6, photo  
10 Applicant's Exhibit No. 7, photo  
11 Opposition's Exhibit No. 1, letter requesting continuance  
12 of hearing

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

16 FINDINGS OF FACT:

- 17 1. I am not convinced whether or not there would be  
18 adverse effect on abutting property owners.  
19 2. I cannot find right now that there is going to be  
20 adequate access to the facility.  
21 3. I find that further studies should be done.

22 CONCLUSIONS OF LAW:

- 23 1. The site is adequate in size and shape to accommodate  
24 use for a septic tank facility.  
25 2. The site does not have adequate access to the area.  
26 3. The site may or may not have an adverse effect on  
27 abutting property owners.  
28 4. There are several L. C. D. C. Goals and Guidelines

1 that to some extent were addressed by the opponents and may or  
2 may not be violated. There is not sufficient evidence to show  
3 that one way or the other.

4 The Hearings Officer, based on the foregoing Findings of  
5 Fact and Conclusions of Law accordingly orders as follows:

6 That real property described as the

7 "parcel of land approximately 130 acres in size  
8 and generally located east of Lower Lake Road  
9 approximately two miles south of Crossroad, and  
10 more particularly described as being in the E $\frac{1}{2}$   
11 of the NE $\frac{1}{4}$ , NE $\frac{1}{4}$  of the SE $\frac{1}{4}$ , and that portion of  
the NW $\frac{1}{4}$  of the SE $\frac{1}{4}$  lying east of Lower Lake Road  
of Section 17, Township 40, Range 9, being Tax  
Lot 117-1, Klamath County, Oregon"

12 is hereby denied a Conditional Use Permit in accordance with the  
13 terms of the Klamath County Zoning Ordinance No. 35, and hence-  
14 forth, a solid waste disposal facility will not be allowed in  
15 the AF (Agricultural Forestry) zone.

16 Entered at Klamath Falls, Oregon, this 18 day of

17 March, 1980.

18  
19  
20  
21 KLAMATH COUNTY HEARINGS DIVISION

22 James R. Venting  
23 Assistant Hearings Officer

24  
25 STATE OF OREGON; COUNTY OF KLAMATH; ss.

26 I, Clerk of said County, do hereby certify that the foregoing was read for record at request of \_\_\_\_\_ Klamath County.

27 this 18th day of March, A. D. 1980 at 10:30 o'clock A. M. and

28 duly recorded in Vol. 1130, of Deeds, on Page 5130

C.U.P. 80-8  
Page -3-

By Fee

Wm D. MILNE, County Clerk

Wm D. Milne

Commissioners Journal

KLAMATH COUNTY, OREGON

In the Matter of Request for )  
Conditional Use Permit No. 80-2 ) Klamath County Planning  
for Miller Anderson, Applicant ) FINDINGS OF FACT AND ORDER

A hearing was held in this matter at Klamath Falls, Oregon, on February 21, 1980, pursuant to notice given in conformity with Ordinance No. 35, Klamath County, before the Klamath County Assistant Hearings Officer, James R. Uerlings. The applicant was present. The Klamath County Planning Department was represented by Jonathan Chudnoff. The Hearings Reporter was Barbara Thomson.

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 subject property  
Klamath County Exhibit C, Klamath County Assessor's map of the subject property  
Applicant's Exhibit No. 1, Plot Plan

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

FINDINGS OF FACT:

1           1. The site is adequate in size and shape to accommodate  
2 use of this area for recreational vehicle parking and will fit  
3 within the existing area.

4           2. The site has adequate access to streets and highways  
5 to carry and accommodate the traffic generated by the proposed  
6 use.

7           3. There would be no adverse effect on abutting  
8 property owners.

9           4. The granting of this Conditional Use Permit is  
10 consistent with the L. C. D. C. Goals and Guidelines 1 through  
11 14.

12           5. This Conditional Use Permit is approved subject to  
13 the following condition:

14           CONDITION:

15           1. The real property described below will be used  
16 strictly for recreational vehicle parking not like a trailer  
17 park or anything of that nature.

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

20           That real property described as the

21           "parcel of land approximately 80 acres in size  
22 and generally located approximately two miles  
23 north of Beatty on the east side of Godowa Springs  
24 Road, and more particularly described as a portion  
of Tax Lot 4600, N½ NW¼ of Section 11, Township 36,  
Range 12, Klamath County, Oregon"

25           is hereby granted a Conditional Use Permit in accordance with the  
26 terms of the Klamath County Zoning Ordinance No. 35, and hence-  
27 forth the parcel of land described above may be used for  
28

recreational vehicle parking.

FILE

Entered at Klamath Falls, Oregon, this 18 day of  
March, 1980.

KLAMATH COUNTY HEARINGS DIVISION

James R. Hendrop  
Assistant Hearings Officer

STATE OF OREGON; COUNTY OF KLAMATH; ss.

Filed for record at request of Klamath County

this 18th day of March, A. D. 1980 at 10:30 clock A.M., and

fully recorded in Vol. 440, of Deeds on Page 5153

Wm D. MILNE, County Clerk

Noted

By: Susan H. Hellock