

KLAMATH COUNTY, OREGON

In the Matter of Request for)
Conditional Use Permit No. 80-41)
for William Pendola, Applicant)

KLAMATH COUNTY PLANNING
FINDINGS OF FACT AND ORDER

A hearing was held in this matter at Klamath Falls, Oregon, on November 12, 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 the subject property
Klamath County Exhibit C, Klamath County Assessor's Map of the subject property
Klamath County Exhibit D, Letter from Public Works Department
Applicant's Exhibit No. 1, the Plot Plan

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

81 JUN 6 AM 9 29

1 Findings of Fact;

2 FINDINGS OF FACT:

3 1. This particular part of the applicant's property
4 is very steep, rocky, and cannot be used for agricultural
5 purposes.

6 2. There are three other gravel pits within a one-half
7 mile radius of the property in various stages of use.

8 3. This particular piece of property apparently has
9 been used in the past as a gravel pit, although it is uncertain
10 as to whether it was for a commercial purpose or not.

11 4. Existing uses in the area are pasture, residential,
12 and gravel pits.

13 5. All the residential owners that would be effected
14 by this use had been notified and had not expressed any opposition.

15 6. The site for the proposed use is adequate in size
16 and shape to accommodate said use and that all yards, spaces,
17 walls, and fences, parking, loading, landscaping, and other
18 features required to adjust said use within the land and uses in
19 the neighborhood will be adequately provided.

20 7. The site for the proposed use has adequate access
21 to streets and highways which are adequate in width and pavement
22 to carry the quantity and kind of traffic generated by the propos-
23 ed use.

24 8. The proposed use will have no adverse effect on
25 abutting property or the permitted use thereof.

26 9. The granting of this Conditional Use Permit is
27 consistent with the L. C. D. C. Goals and Guidelines.

28 10. The proposed use will have no adverse effect on

1 abutting property or permitted uses thereof, as long as the
 2 conditions imposed hereinbelow are followed, which are necessary
 3 to protect the public health, safety, and general welfare.

4 CONDITIONS:

5 1. The Conditional Use Permit is granted on a one-year
 6 basis subject to reapproval at the end of that one-year period.

7 2. The hours of operation are restricted to 10:00 a.m.
 8 to 4:00 p.m. Monday through Friday only.

9 3. Applicant shall obtain any and all necessary State
 10 permits to operate a commercial gravel pit.

11 4. Applicant shall obtain a road access permit from
 12 the County Road Department.

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

15 That real property described as the

16 "parcel of land generally located southeast of
 17 Godowa Springs Road about four miles north of
 18 Beatty, and more particularly described as being
 19 in the N $\frac{1}{2}$ of the S $\frac{1}{2}$ of the NW $\frac{1}{4}$ of Section 35,
 Township 35, Range 12, lying southeasterly of
 Godowa Springs Road, being a portion of Tax
 Lot 200, Klamath County, Oregon"

20 is hereby granted a Conditional Use Permit in accordance with the
 21 terms of the Klamath County Ordinance No. 35, and, henceforth,
 22 will be allowed a commercial quarry in the AF (Agricultural
 23 Forestry) zone.

24 Entered at Klamath Falls, Oregon, this 5 day of

25 January, 1981.
 26

27 KLAMATH COUNTY HEARINGS DIVISION

28 BY James R. Unkrus
 Assistant Hearings Officer

C.U.P. 80-41

Page -3-

STATE OF OREGON; COUNTY OF KLAMATH; ss.

I hereby certify that the within instrument was received and filed for record on the

6th day of January A.D., 1981 at 9:29 O'clock A M., and duly recorded in

Vol M81 of Deeds on Page 161.

Fee \$ None

EVELYN BIEHN
 ACTING COUNTY CLERK

by Benneth Whitlock Deputy