

KLAMATH COUNTY, OREGON

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3 In the Matter of Request for)
4 Conditional Use Permit No. 81-10) Klamath County Planning
5 for Raymond M. Budden, Applicant) Findings of Fact and Order
6)

'81 SEP 24 PM 1 31

7 A hearing was held in this matter at Klamath Falls,
8 Oregon, on July 8, 1981, pursuant to notice given in conformity
9 with Ordinance No. 35, Klamath County, before the Klamath County
10 Hearings Officer, Jim Spindor. Thereafter on September 9, 1981,
11 at the request of the applicant, this matter was opened for
12 reconsideration for the Hearings Officer to consider the entire
13 record, No. 80-27, in the Matter of the Application for Compre-
14 hensive Land Use Plan and Zone Change by the applicant herein.
15 Said hearing for reconsideration was held pursuant to notice
16 given in conformity with Ordinance No. 35, Klamath County, before
17 the Klamath County Hearings Officer, Jim Spindor. The applicant
18 was present and represented by attorney Michael Brant at both
19 of the aforementioned hearings. The Klamath County Planning
20 Department was represented by Jonathan Chudnoff at both of said
21 hearings, and the reporter for both of said hearings was Barbara
22 Thomson.

23 Evidence was presented on behalf of the Department
24 and on behalf of the applicant. There were three adjacent
25 property owners present who stated that they had objections to
26 the proposed Conditional Use Permit requested by the applicant.

27 The following exhibits were offered, received and
28 made a part of the record:

1 Klamath County Exhibit A, the Staff Report

2 Klamath County Exhibit B-1, B-2, photos of subject
3 property

4 Klamath County Exhibit C, Klamath County Assessor's Map
5 of the subject property

6 Klamath County Exhibit D, topographic map

7 Applicant's Exhibit No. 1, plot plan

8 Applicant's Exhibit No. 2, the entire file concerning
9 the matter of the applicaiton for Comprehensive Land
10 Use Plan and Zone Change No. 80-27 for Raymond Budden,
11 including all exhibits in said file.

12 The hearing was then closed, and based upon the evidence
13 submitted at the hearing, the Hearings Officer made the following
14 Findings of Fact:

15 FINDINGS OF FACT:

16 1. The site is adequate in size and shape to house
17 the proposed activity; however, it does not fit in with the
18 surrounding neighborhood for the following reasons: A subdivision
19 with 304 lots has been approved which is within one-half mile
20 from the proposed site. The proposed site would be visible to
21 a portion of said lots. The proposed use would not fit in
22 visually with the surrounding area, and the noise generated by
23 the proposed use would not be compatible with the said area.

24 2. The roads which the site has access to are not
25 adequate to carry the traffic flow which would be generated
26 by the proposed use. Testimony revealed that there would be a
27 maximum of sixteen loads per day made by dump trucks with regard
28 to the proposed use. There was testimony that there were many

1 blind corners on said road and that the use of the road by such
2 trucks would be very dangerous.

3 3. There was testimony from surrounding neighbors in
4 objection to the granting of this permit. The testimony was
5 testimony from surrounding neighbors in objection to the granting
6 of this permit. The testimony was that there would be adverse
7 effect on abutting and surrounding property owners as follows:

8 A. Excessive noise caused by the proposed site as
9 well as the trucks going to and from said site.

10 B. Interference with deer movement in the area of
11 the proposed site.

12 C. The dump trucks involved would be a danger to all
13 persons involved with the use of Old Fort Road.

14 4. The granting of this permit would violate the
15 following L. C. D. C. Goals:

16 A. Goal No. 2 - Land Use Planning - The access roads
17 are inadequate to accomodate the traffic which would be generated
18 by this use; and the placement of such a proposed use within one-
19 half mile from an approved subdivision is inconsistent planning.

20 B. Goal No. 10 - Housing - Since a new subdivision
21 has been approved with 304 lots it is not compatible to approve
22 such a use within one-half mile of said subdivision.

23 C. Goal No. 12 - Transportation - As stated above the
24 access roads to the proposed site are not adequate to carry
25 the type of traffic which would be generated by the proposed use
26 and would cause a danger to all persons using said roads.

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

1 That real property described as the

2 "parcel of land generally located east of
3 Old Fort Road approximately 3/8 mile north
4 of old OIT Campus, and more particularly
5 described as being in the S $\frac{1}{2}$, NE $\frac{1}{4}$, SE $\frac{1}{4}$ and
the N $\frac{1}{2}$, SE $\frac{1}{4}$, SE $\frac{1}{4}$, in Section 10, Township 38,
Range 9, being a portion of Tax Lots 54 and
55, Klamath County, Oregon"

6 is hereby denied a Conditional Use Permit in accordance with the
7 terms of the Klamath County Zoning Ordinance No. 35, and,
8 henceforth, will not be allowed a commercial quarry in the AF
9 (Agricultural Forestry) zone.

10 Entered at Klamath Falls, Oregon, this 18th day of
11 September, 1981.

12
13
14 KLAMATH COUNTY HEARINGS OFFICER

15 *[Signature]*
16 Hearings Officer
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23 STATE OF OREGON; COUNTY OF KLAMATH; ss.

24 Filed for record ~~on receipt of~~

25 this 24th day of Sept. A.D. 19 81 at 1:31 o'clock P.M.

26 duly recorded in Vol. M-81 of Deeds on page 17084

27 *[Signature]* EVELYN BEHN, Clerk
28

Fee - no fee