

14003

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BEFORE THE HEARINGS OFFICER

FOR KLAMATH COUNTY, OREGON

In the Matter of the Request for )  
CONDITIONAL USE PERMIT )

NO. 81-17

for J. N. S. Excavation Company )

KLAMATH COUNTY PLANNING  
FINDINGS OF FACT,  
DECISION AND ORDER

THIS MATTER came on for a hearing before Klamath County Assistant Hearings Officer, JAMES R. UERLINGS, on July 15, 1982, at 1:00 p.m. in the Commissioners' Hearing Room of the Klamath County Courthouse. This Hearing was held pursuant to notice given in conformity with the Klamath County Development Code and related ordinances. The applicant was present at the Hearing and presented evidence and testimony. Klamath County Planning Department was represented by Jonathan Chudnoff. The Hearings Reporter was Barbara Thomson.

Three witnesses appeared in opposition to the proposed renewal of this conditional use permit, and three witnesses testified in favor of the renewal of the permit.

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

Klamath County Planning Department Staff Exhibits A-O.  
Applicant's Exhibits 1-24.

Oppositions' Exhibits 1-14.

The Hearing was then closed and the Hearings Officer stated that he would render a decision within fifteen (15) days. Based upon the evidence submitted at the hearing, the Hearings

FINDINGS OF FACT, DECISION, AND ORDER - Page One.

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1 Officer, after considering the evidence and the exhibits pre-  
2 sented, makes the following Findings of Fact.

3 FINDINGS OF FACT:

4 1. The applicant is the operator of septage disposal  
5 lagoons located on the property of Lawrence Gray on Section 17,  
6 Township 40 South, Range 9 East, of the Willamette Meridian,  
7 Klamath County, Oregon.

8 2. The applicant has operated said facility upon a  
9 conditional use permit for the past year. The subject of this  
10 Hearing is to consider the renewal of this permit which is said  
11 to expire July 28, 1982.

12 3. Access to the property is directly from Lower Lake  
13 Road.

14 4. Subject parcel is a ten (10) acre area located  
15 in the NE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 17, Township 40 South, Range 9  
16 East, of the Willamette Meridian, Klamath County, Oregon.  
17 It is in the Klamath hills East of Lower Lake Road and about  
18 1.2 miles South of the intersection of Cross Road. This is  
19 generally in the Midland area.

20 5. The site itself is generally rolling hillside  
21 sloping to the North. The vegetation is mostly sagebrush and  
22 grasses.

23 6. The current use of the property prior to the  
24 location of the sewage disposal facility there was vacant.

25 7. The Comprehensive Land Use Plan designation is  
26 AU- 5.

1           8. Access to the site would be from Lower Lake Road  
2       which is a paved highway.

3           9. The area is all hillsides with open rolling  
4       countryside. To the West, southwest of Lower Lake Road, there is  
5       some irrigated farmland. To the North, there is more agri-  
6       cultural lands, the Meeker farms, and other property owners.  
7       The nearest residences are a house and mobile home that are on  
8       the property owned by Mrs. Veda Gray who was the mother of  
9       the person who is leasing this site to J. N. S. Excavation,  
10      the applicant. To the North, there is also another dwelling  
11      which is about 1/3 to 1/2 mile away. This is the residence  
12      of John McPherson.

13           10. There is a clear need for this type of facility  
14      in Klamath County for the dumping of septic tank pumpings as  
15      South Suburban Sanitary District will not accept any septic  
16      tank pumpings at this time. Along with J. N. S. Excavation,  
17      two to three other septic tank pumpers have used the facility  
18      during the past year to empty their tanks. This site has been  
19      reviewed and approved by the Department of Environmental  
20      Quality and by the Klamath County Health Department through  
21      their Department of Environmental Health Division. During the  
22      period of operation for over the past year, the Department of  
23      Environmental Quality and the Health Department have reported  
24      only one (1) verified violation of the use of the facility.  
25      This violation consisted of the dumping of pentachlorophenol  
26      into the lower of the two pits which exist on the property.

1 This dumping occurred without the knowledge and consent of  
 2 the applicant, and was done by Bowers Excavation. The Depart-  
 3 ment of Environmental Quality has taken steps to assess a penalty  
 4 against the applicant and Bowers Excavating and Fencing, Inc.  
 5 to remedy this violation. The lower pit has been closed to  
 6 dumping since the violation in March, 1982, and the applicant  
 7 has been forced to rely upon dumping into the upper pit.  
 8 The Department of Environmental Quality, through their  
 9 witness, Gil Hargreaves, expressed the opinion that the penta-  
 10 chlorophenol is evaporating from the lower pond and does not  
 11 present any health hazard to the area. Mr. Hargreaves further  
 12 testified that, during the course of his inspections during  
 13 the last year, he feels that the site is better than expected  
 14 for the use for a septic tank dumping facility and does not  
 15 expect any leakage problems or any other type of problems  
 16 from the facility.

17 11. Fran Gorham, representing the Midland Area  
 18 Committee, and Don Berger, a resident of the area, testified  
 19 that residents of the area have reported odor problems with  
 20 the facility. Gil Hargreaves from the Department of Environ-  
 21 mental Quality and Russ Mull, the Director of the Environmental  
 22 Health Division of the Klamath County Health Department, testi-  
 23 fied that the complaints that had been made through their  
 24 Departments during the course of the last year, when checked  
 25 out, appeared to be unfounded as they could not discover any  
 26 odor problems upon immediately driving to the facility subsequent

1 to the report.

2 12. The applicant has fenced the area and maintained  
3 a locked gate around each pond and access to these gates has  
4 been only by keys provided by the applicant to the two or  
5 three businesses he has allowed to dump in the facility.

6 13. The applicant has suspended the dumping privileges  
7 of Bowers Excavating and Fencing, Inc., until adequate steps  
8 can be taken by Bowers, including the signing of a indemnifi-  
9 cation agreement, to prevent similar occurrences in the future.  
10 The Department of Environmental Quality and the Klamath County  
11 Health Department's witnesses testified that they felt that the  
12 applicant has taken all reasonable steps to prevent the dump-  
13 ing of any unpermitted materials into the septic tank dump-  
14 ing facility.

15 14. The main agricultural use on the land is for  
16 periodic grazing. The nearest crop line or improved pasture  
17 is over ¼ mile away. The timber productivity class in this  
18 area is VII, capable of producing fewer than 20 cubic feet of  
19 timber per acre annually. There is no marketable timber on  
20 this ten acres presently.

21 15. A letter presented by Rod Ingram, District Wild-  
22 life Biologist for the Oregon Department of Fish and Wildlife,  
23 indicates that no adverse effects on wildlife are anticipated.

24 16. The Department of Environmental Quality and the  
25 Klamath County Health Department as well as the Planning De-  
26 partment staff have recommended that the conditions as applied

1 to the permit as issued in July, 1981, be continued and further,  
2 that the renewal, if granted, be made again for a period of  
3 one (1) year subject to renewal in 1983. They have further  
4 recommended that

5 a) an additional gate and fencing be installed 100 to  
6 200 feet away from the existing lagoons to prevent anyone from  
7 dumping into the pits by way of hose, thus avoiding the gate  
8 as currently exists around each lagoon pond;

9 b) that a further condition be added to the conditional  
10 use permit which would require the applicant to comply, under  
11 the terms of this conditional use permit, with the same terms  
12 and conditions as imposed upon him under his solid waste dis-  
13 posal permit as issued by the Department of Environmental  
14 Quality.

15 The Midland Area Committee has recommended that the  
16 permit not be renewed, but that if it is renewed, that

17 a) the applicant require a written contract from each  
18 party dumping at the facility setting forth the terms of their  
19 dumping at the facility and requiring them to assume the  
20 responsibility for dumping any hazardous materials into the  
21 lagoons;

22 b) the applicant require each person dumping at the  
23 facility to fill in a form which would indicate where the  
24 materials came from that they are dumping at the facility,  
25 when they picked up the materials, when they dumped the  
26 materials, and how much they dumped. These forms would be

1 picked up at the facility by placing them in some type of  
2 container to be provided by the applicant;

3 c) the hours of the facility be limited to daylight  
4 hours;

5 d) the applicant place a person at the gate to monitor  
6 the use of the facility.

7 17. The Department of Environmental Quality and the  
8 Klamath County Health Department expressed opinions that the  
9 person monitoring access to the facility would not prevent the  
10 dumping of hazardous materials and it is often not possible  
11 for the person monitoring the gate to actually inspect the  
12 materials being dumped and to determine if any hazardous material  
13 is dumped into the lagoon.

14 18. The placing of a person to monitor access to the  
15 facility at the gate would increase the applicant's cost to  
16 operate the facility three to four times the current cost,  
17 thus raising the cost to the residents of Klamath County re-  
18 questing septic tank pumpings in a similar fashion. If the  
19 use of the facility was limited to daylight hours during the  
20 winter, persons dumping at the facility, after having pumped  
21 septic tanks in the northern and eastern parts of Klamath  
22 County, would be forced to leave their tanks full during the  
23 nighttime hours as it would be impossible for them to pump  
24 septic tanks in the farthest portions of the County and arrive  
25 back to the lagoons during the daylight hours. If the tanks  
26 were left full overnight, it is likely that, due to the

1 low temperatures of Klamath County, the tanks would freeze thus  
2 causing damage to the equipment.

3 19. The representatives from the Department of Envir-  
4 onmental Quality and the Klamath County Health Department in-  
5 dicated that there were no additional steps that could be taken  
6 that could reduce the odors of the facility and that the facility  
7 meets all current design criteria for a septic tank disposal  
8 site. The Health Department indicated that complaints regarding  
9 the odors in the area were more likely to come from stagnant  
10 water sitting in canals, ponds, Tingley Lake and other areas  
11 located by the Cross Road portion of the property. Addition-  
12 ally, there were many cattle and other wildlife in the area  
13 which could add to the offensive odor.

14 20. One of the opponents indicated that he felt the  
15 facility should be designed similar to the Grants Pass dumping  
16 site. Russ Mull from the Health Department indicated that the  
17 Grants Pass lagoon ponds leak while those of the applicant  
18 do not and further indicated that the Grants Pass ponds should  
19 have a worse problem of odor because of their design than the  
20 ponds of the applicant.

21 21. The applicant has posted on the property by the  
22 ponds the rules and conditions of his permit so that all  
23 authorized persons dumping at the site can be aware of the  
24 rules and conditions. All inspection reports made of the  
25 facility during its period of operation from January 5, 1981  
26 through June 8, 1981 and subsequent to the granting of the

1 conditional use permit on July 27, 1981, indicate that there  
2 has been no contamination of air, water or land resources.  
3 The Klamath County Planning Department has received no complaints  
4 because of the facility during the past year of its operation.

5 22. The area is not known to be subject to natural  
6 hazards and the proposed site does not interfere with recrea-  
7 tional uses in the area in general.

8 23. The failure to have an operating disposal facility  
9 will have significant adverse effects on local economy and  
10 thus of the State. The disposal site is not in an area desig-  
11 nated for residential use and as long as the conditions imposed  
12 herein are met the surrounding dwellings will not be adversely  
13 affected.

14 24. The site is outside any urban growth boundary.

15 KLAMATH COUNTY DEVELOPMENT CODE CRITERIA:

16 1. Klamath County Development Code Section 44.003  
17 sets forth the general criteria for consideration in the appli-  
18 cation of a conditional use permit:

19 A. That the use is conditionally permitted in the  
20 zone in which it is proposed.

21 B. That the location, size, design and operating  
22 characteristics of the proposed uses is in conformance with the  
23 Klamath County Comprehensive Plan.

24 C. That the location, size, design and operating  
25 characteristics of the proposed development will be compatible  
26 with, and will not adversely affect, the livability or appro-

1 puate development of abutting properties in the surrounding  
2 neighborhood. Consideration shall be given to the harmony in  
3 scale, bulk, coverage, and density; to the availability of civic  
4 facilities, and utilities; to harmful effects, if any, upon  
5 desirable neighborhood character; to the generation of traffic  
6 and the capacity of surrounding streets, and to other relevant  
7 impact of the development.

8 D. That the location, design, and site planning  
9 of the proposed development will provide a convenient and  
10 functional living, working, shopping, or civic environment, and  
11 will be as attractive as the nature of the use and its location  
12 in this setting warrant.

13 2. Klamath County Code Section 44.001 sets forth  
14 the general purpose of Article 44, Conditional Use Permit, as  
15 follows: The purpose of the Conditional Use Permit is to pro-  
16 vide a mechanism whereby uses which may be suitable only in  
17 certain locations or only if designed or operated in a parti-  
18 cular manner may be allowed within the basic zone designation.

19 3. ORS 197.175 requires all zoning and related ordi-  
20 nances adopted by the County be in conformance with the State-  
21 wide Planning Goals.

22 4. Section 51.019 provides in (C)(1) that solid  
23 waste disposal sites are allowed under a Conditional Use  
24 Permit in an AU-5 zone.

25 KLAMATH COUNTY DEVELOPMENT CODE FINDINGS AND CONCLUSIONS:

26 1. See Findings 1-24 under the Findings of Fact section  
above.

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1           2. The proposed site has operated for approximately  
2 nineteen (19) months under the prior Conditional Use Permit  
3 and has existed with only one violation. This violation occurred  
4 despite the best efforts of the applicant to prevent the dump-  
5 ing of any non-permitted materials into the disposal site.

6           3. The use of the proposed site as a solid waste dis-  
7 posal facility is conditionally permitted within the AU-5 zone in  
8 which the site is located.

9           4. The proposed site, according to the evidence  
10 presented, is adequate in size and design and operating char-  
11 acteristics to continue the use as a solid waste disposal faci-  
12 lity.

13           5. The parties appearing in opposition have not sub-  
14 mitted any information substantially different from that which  
15 was presented in the Hearing of June 11, 1980 at which time  
16 the Conditional Use Permit was first granted. The evidence  
17 presented by the Department of Environmental Quality and by  
18 the Klamath County Health Department indicates that there has  
19 been substantial compliance with the conditions imposed and that  
20 they continue to view the site as one of the optimum sites  
21 located within Klamath County for use as a solid waste disposal  
22 facility. The location, size, design, and operating character-  
23 istics of the proposed development will be compatible with,  
24 and not adversely affect, livability or the appropriate devel-  
25 opment of the abutting properties and the surrounding neighbor-  
26 hood.

1           6. The site appears to be in harmony in scale, bulk,  
2 coverage and density to the surrounding facilities and appears  
3 to be the only site available for use as a solid waste disposal  
4 facility. There appears to be no unwarranted effects upon the  
5 desirable neighborhood characteristics nor will the site create  
6 any additional generation of traffic beyond the capacity of the  
7 surrounding streets and roads.

8           7. The location, design and site planning of the pro-  
9 posed development will provide a convenient and functional  
10 solid waste disposal facility and will be as attractive as the  
11 nature of the use and its location and setting warrant.

12           8. The following conditions shall be imposed upon  
13 this Conditional Use Permit as they are found to be in the  
14 interests of the public health, safety and welfare:

15           A. This Conditional Use Permit is granted for a  
16 period of one year, subject to renewal after a review of the  
17 applicant's operation at a public hearing.

18           B. Applicant shall obtain approval from the De-  
19 partment of Environmental Quality and continue to have said  
20 approval for a site.

21           C. Applicant shall comply with all conditions  
22 written or oral imposed by him by the Department of Environmental  
23 Quality and the Klamath County Health Department. Any vio-  
24 lation of the conditions imposed by the Department of Environ-  
25 mental Quality or the Klamath County Health Department, by the  
26 applicant or any persons using the facility, shall be considered

1 to be a violation of the conditions of this Conditional Use  
2 Permit and shall subject the applicant to revocation of the  
3 Conditional Use Permit.  
4

5 D. The applicant shall maintain approval of the  
6 facility by the Klamath County Health Department.

7 E. This site shall be inspected and approved at  
8 least once a month by the Department of Environmental Quality  
9 and by the Klamath County Health Department. It is requested  
10 that they immediately advise the Klamath County Planning Depart-  
11 ment of any violations or alleged violations which they have  
12 found to occur on the site.

13 F. There shall be no more than three (3) disposal  
14 permits upon this site, only two (2) of which may be actively  
15 dumped into at any one time.

16 G. The area of the site shall be fenced suffi-  
17 ciently to keep persons, livestock and deer off the site. The  
18 fence which is built shall at least meet the specifications  
19 of the Oregon State Department of Fish and Wildlife with regard  
20 to deer. The applicant shall build an additional gate and any  
21 appropriate related fencing at least 200 feet away from the  
22 disposal pits and construct it along the access road so that  
23 vehicles could not avoid the gate and dump into the pits by  
24 use of hose or other apparatus. This gate shall be locked at  
25 all times. The applicant shall additionally place a gate and  
26 fencing around each of the pits and each of these gates shall  
additionally be locked at all times.

1           H. The applicant shall maintain permission to use  
2 an adequate access road to the site and shall have written  
3 proof thereof available to the Planning Department upon request.

4           I. The applicant shall follow the direction  
5 of the Klamath County Public Works Department with regards to  
6 the access road from the private property to Lower Lake Road.  
7 The applicant shall obtain liability insurance sufficient to  
8 cover all prospective claims in the amount of at least  
9 \$1,000,000.00.

10          J. The applicant shall require all users of the  
11 solid waste disposal pits to sign agreements with him wherein  
12 they contract to indemnify him for all penalties and all other  
13 damages and losses which he or neighboring or surrounding prop-  
14 erty owners may incur from the user's use of the facility.  
15 Copies of these contracts shall be filed with the Klamath  
16 County Planning Department within five (5) days of their  
17 signing. The applicant shall not allow anyone to use the  
18 facility without their signing of these contracts. The appli-  
19 cant may provide other conditions and terms in these agreements  
20 as he sees fit.

21          K. The applicant shall immediately report to the  
22 Klamath County Planning Department and the Department of Envir-  
23 onmental Quality and the Klamath County Health Department when  
24 he has any reason to believe whatsoever that material has been  
25 dumped into any of the pits which is not authorized under his  
26 Department of Environmental Quality operating permit.

1 L. Prior to the dumping of any material into any of  
2 the pits, other than septic tank effluent, the applicant shall  
3 obtain written permission from the Klamath County Hearings  
4 Officer or the Assistant Hearings Officer after appropriate  
5 notice and Hearing. This written permission shall be in addition  
6 to any other permission which the applicant must obtain from the  
7 Health Department, Department of Environmental Quality or other  
8 Federal agencies.

9 M. If the applicant constructs a third pit, it shall  
10 be located as close as physically possible midway between the  
11 two existing pits on the facility.

12 N. The applicant shall devise a form which he  
13 shall require all users of the facility to fill in and deposit  
14 in some type of depository box on the site each time the user  
15 makes any type of dump into the facility. This form shall  
16 include, but is not limited to, the following:

17 1. A statement as to where the effluent came  
18 from including all the various pieces of property from which  
19 the user obtained material to be dumped;

20 2. A statement as to when the material to be  
21 dumped was picked up;

22 3. The total amount of material to be dumped;

23 4. The time in which he has dumped the material  
24 into the ponds/pits.

25 The applicant shall then file these forms with the  
26 Klamath County Planning Department on a monthly basis. The

1 applicant as a user of the facility is also required to fill out  
2 these forms and file them as set forth above.

3  
4 O. The applicant shall, to the extent reasonably  
5 possible, use the facility during the daylight hours. This  
6 condition is not intended to prevent the applicant or other  
7 users from using the facility during the hours after sunset  
8 or before sunrise. However, it is intended only to recommend  
9 to the applicant and his authorized users that they use the  
10 facility as much as possible during the daylight hours.

11 STATE-WIDE PLANNING GOALS AND FINDINGS:

12 The granting of this Conditional Use Permit is con-  
13 sistent with the goals of the L.C.D.C. as follows:

14 1. Goal No. 1 - Notice of the hearing on this matter  
15 was sent to neighboring property owners, the Midland Area  
16 Committee, and other concerned agencies, and to the Herald and  
17 News and other media. There was testimony at the hearing both  
18 for and against the applicant.

19 2. Goal No. 2 - The plan designation for this area is  
20 Agricultural and a zoning designation of AU-5. Disposal sites  
21 are among the conditionally permitted uses in the AU-5 zone.  
22 There was testimony at the hearing that, although many other  
23 sewage disposal sites have been suggested to the County, there  
24 have been no satisfactory sites available to the County other  
25 than the site in question here.

26 3. Goal No. 3 - The soils in this vicinity are of the  
Stukel series and are rated Class VII. The land has some grass

1 and is used for grazing part of the year; the septic disposal  
2 operation does not interfere with grazing in that only the  
3 lagoons themselves are fenced and the ten acre parcel as a whole  
4 remains open. This property is not identified as irrigated or  
5 irrigatable land on maps at the Planning Department. The nearest  
6 crop line or improved pasture is over one-quarter mile away and  
7 it does not appear that the lagoons would interfere with agri-  
8 cultural operations on adjoining property.

9 4. Goal No. 4 - The area is in Timber Productivity  
10 Class VII, capable of producing fewer than twenty cubic feet of  
11 timber per acre annually. There is no marketable timber on  
12 the ten acres under review.

13 5. Goal No. 5 - A letter from Rod Ingram, District  
14 Wildlife Biologist for the Oregon Department of Fish and Wild-  
15 life, indicates that no adverse effects on wildlife are anti-  
16 cipated. Because of the area's topography and the low profile  
17 of the lagoons, little or no negative scenic impacts are  
18 apparent. The nearest dwelling from which the site is visible  
19 is over one mile away. This property is not a known archeo-  
20 logically sensitive area as indicated by the map available at  
21 the Planning Department. Applicant's Exhibits Nos. 3, 4, and  
22 5 do not indicate any actual or potential natural resource  
23 contamination from this site.

24 6. Goal No. 6 - The site in question was in full opera-  
25 tion from January 5, 1981, to June 8, 1981, and from July 27,  
26 1981 to the present date and during this time it was subject to

1 monthly Department of Environmental Quality and Health Department  
2 inspections. The inspection reports filed in this regard do not  
3 give any indication of air, water or land resource contamination.  
4 The conditions imposed hereinbelow will assure that this goal is  
5 met.

6 7. Goal No. 7 - The area is not known to be subject to  
7 natural hazards.

8 8. Goal No. 8 - The proposed disposal site does not  
9 appear to interfere with recreational use of the area in general.

10 9. Goal No. 9 - Failure to have an operating disposal  
11 system will have significant adverse effects on the local economy  
12 and thus of the State. The lagoons have been and will continue  
13 to be operated as a private business. No gains in employment  
14 are evident as a result of the operation.

15 10. Goal No. 10 - The disposal site is not in an area  
16 designated for residential use. As long as the conditions  
17 imposed hereinbelow are met, surrounding dwellings will not be  
18 adversely effected.

19 11. Goal No. 11 - The site is intended to serve resi-  
20 dences and businesses not currently served by sanitary sewer  
21 facilities. The disposal site itself does not require special  
22 facilities or services in order to operate.

23 12. Goal No. 12 - The site is reached via a private  
24 cinder road from Lower Lake Road. The private road is approxi-  
25 mately .7 of a mile in length and when viewed by the Planning  
26 Department on June 9, 1981, was in good condition.

1 13. Goal No. 13 - Little or no effect on energy con-  
2 servation is apparent.

3 14. Goal No. 14 - The site is outside any urban or  
4 urbanizing area.

5 CONCLUSIONS OF LAW AND DECISION:

6 1. The request for a Conditional Use Permit on the  
7 subject property meets all the applicable Klamath County  
8 Development Code criteria and policies governing such.

9 2. The request for a Conditional Use Permit is con-  
10 sistent with, and complies with, all the applicable State-wide  
11 Planning Goals and statutes.

12 3. Therefore, it is hereby ordered that the request  
13 by the applicant for a Conditional Use Permit on the subject  
14 property described as the

15 "parcel of land generally located in the Klamath  
16 Hills east of Lower Lake Road approximately 1½  
17 miles south of its junction with Cross Road,  
18 and more particularly described as a parcel of  
19 land located in the NE¼ of Section 17, Township  
20 40 South, Range 9 East, W.M., Klamath County,  
21 Oregon, being more particularly described as :  
22 Commencing at the 5/8" iron pin marking the  
23 northeast corner of said Section 17; thence  
24 South 28°54'40" West 569.63 feet to a point which  
25 is the "True Point of Beginning" of this descrip-  
26 tion; thence North 45°00'00" West 660.00 feet to  
a point; thence South 45°00'00" West 660.00 feet  
to a point; thence South 45°00'00" East 330.00  
feet to a point which is South 45°00' West 20.0  
feet more or less from the southwesterly fence  
corner around the southwesterly septic lagoon;  
thence South 45°00'00" East 330.00 feet to a  
point; thence North 45°00'00" East 660.00 feet  
to a "True Point of Beginning", containing 10.0  
acres, more or less."

\* \* \* \* \*

9641

is hereby granted provided that the applicant follows the conditions as set forth above.

DATED this 26 day of July, 1982.

*James R. Uerlings*  
JAMES R. UERLINGS,  
Assistant Hearings Officer

STATE OF OREGON; COUNTY OF KLAMATH; ss.  
Filed for record

this 27 day of July A.D. 19 82 at 4:21 o'clock P.M.  
duly recorded in Vol. M 82, of Deeds on a p. 9622  
Fee N. Fee

By *Evelyn Biehn*  
EVELYN BIEHN, County Clerk