

BEFORE THE HEARINGS OFFICER

KLAMATH COUNTY, OREGON

1
2 In the Matter of Request for)
3 Conditional Use Permit No. 13-83) Klamath County Planning
4 for Robert L. Coats, Applicant) Findings of Fact and Order

5
6 A hearing was held on this matter on July 21, 1983,
7 pursuant to notice given in conformity with Ordinance No. 45.1,
8 Klamath County, before the Klamath County Hearings Officer, Jim
9 Spindor. The applicant was present. The Klamath County Planning
10 Department was represented by Jonathan Chudnoff. The Hearings
11 Reporter was Sharon Cosand.

12 Evidence was presented on behalf of the Department and
13 on behalf of the applicant. There were no adjacent property
14 owners present.

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

17 Klamath County Exhibit A, Staff Report
18 Klamath County Exhibit B, Plot Plan
19 Klamath County Exhibit C, Photos
20 Klamath County Exhibit D, Assessor's Map
21 Klamath County Exhibit E, Letter from State Highway
22 Division
23 Klamath County Exhibit F, Letter from Department of Fish
24 and Wildlife
25 Klamath County Exhibit G, Comments from Mined Land
26 Reclamation Office

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

'83 AUG 19 PM 4 20

1 Conclusions of Law:

2 CONCLUSIONS OF LAW:

3 1. The proposed use is conditionally permitted within
4 the zone within which it is proposed to be located.

5 2. The location, size, design and operating character-
6 istics of the proposed use are in conformance with the Klamath
7 County Comprehensive Plan.

8 3. The location, size, design and operating charcter-
9 isitics of the proposed use will be compatible with and will
10 not adversely affect the liveability of abutting property owners
11 and the surrounding area so long as the conditions set forth
12 hereinbelow are followed.

13 4. The location, design and site planning of the pro-
14 posed use will provide a convenient and functional living
15 environment and will be as attractive as the nature of the use
16 and its location and setting warrant, so long as the conditions
17 set forth hereinbelow are followed.

18 5. The granting of this Conditional Use Permit is
19 consistent with the goals of the L. C. D. C.

20 6. The site will be operated in accordance with appli-
21 cable state and federal statutes.

22 7. The proposed access to the site can accommodate the
23 increased volume of traffic generated by the operation.

24 8. The proposed access to the site can safely handle
25 the type of increased traffic flow which will accompany the
26 development without significantly endangering the public health,
27 safety or welfare.

28 9. An adequate water supply is available to the site

1 for dust control, required landscaping and reclamation.

2 10. Any blasting which may be necessary will not
3 damage existing structures or facilities near the site.

4 11. This Conditional Use Permit is granted subject to
5 the following Conditions:

6 CONDITIONS:

7 A. The applicant shall follow the plot plan as set
8 forth on Klamath County Exhibit "B".

9 B. The applicant shall follow all state and federal
10 regulations which cover the applicant's operation, including
11 but not limited to those regarding smoke, noxious odors, and
12 noise levels.

13 C. The applicant shall file a reclamation plan and
14 operate the quarry in accordance with the rules of the Department
15 of Geology and Mineral Industries of the State of Oregon.

16 D. The operation shall remain north of Forest Road
17 2320 at least 200 feet; further, the operation shall be at least
18 500 feet from Crescent Creek.

19 E. The operation shall be designed so that there shall
20 not be either erosion or drainage into Crescent Creek from the
21 operations.

22 FINDINGS OF FACT:

23 The requested use has been granted with conditions
24 based on the following Findings of Fact:

25 1. Applicant makes this request for a mineral extraction
26 (a rock quarry) in the Forestry-I Zone. The operation is to
27 include mining, crushing, and stockpiling of gravel and an
28 asphalt plant. The applicant now operates a similar quarry

1 approximately 1½ miles northeast of this site under Klamath
2 County Conditional Use Permit No. 79-8. The old site is nearly
3 depleted and this Conditional Use Permit would provide a
4 replacement source for gravel.

5 2. The application covers 80 acres, with about 30 acres
6 to actually be mined. The mined area is a south-facing hill
7 rising to an elevation of 4,360 feet along Forest Road 2320 to
8 4,460 feet along the north property line. Crescent Creek flows
9 northeasterly through the property and is about 500 feet south
10 of the road. The property is mostly covered with brush and
11 scattered small pines. The property is part of the Bell-A-
12 Cattle ranching operation. The proposed quarry is on an un-
13 irrigated hill, separated from pasture by road; no loss of farm
14 land would occur.

15 3. The area has a Timber Site Productivity rating of
16 VI, capable of producing 20/50 cubic feet of timber annually
17 per acre. Few of the trees in the quarry area are marketable
18 quality, the majority being small. The quarry site will be
19 restored with topsoil after it is depleted, retaining the
20 property's long-term availability for timber production.

21 4. Crescent Creek is a trout stream. The Oregon
22 Department of Fish and Wildlife has submitted a letter marked
23 Klamath County Exhibit "F" requesting that the quarry be
24 located north of the Forest Service Road 2320 by several hundred
25 feet to insure protection of fish and wildlife along Crescent
26 Creek.

27 5. The operation would generate some dust, engine fumes
28 and noise. The site is sufficiently distant from Highway 97

1 (two miles) and the nearest residential subdivision (one mile)
 2 to avoid problems for others.

3 6. The area is rated as a medium fire hazard. With
 4 adequate road access and the availability of water from Crescent
 5 Creek, the fire danger is reduced.

6 7. The property fronts on Forest Service Road 2320
 7 which is user-maintained and leads to Highway 97 approximately
 8 2½ miles east of the quarry. The same road is used by the
 9 present quarry operation and no overall traffic increase is
 10 expected.

11 8. No one testified in opposition to the granting of
 12 the Conditional Use Permit and there was no evidence presented
 13 that there would be any adverse effect to the abutting property
 14 owners in the surrounding area from the granting of this permit
 15 so long as the above mentioned Conditions were followed.

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

18 That real property described as:

19 "that parcel of land generally located along
 20 Crescent Creek, approximately three miles west
 21 of Highway 97, north of Gilchrist, and more
 22 particularly described as being in the NW¼,
 23 Section 7, Township 24, Range 9, Klamath
 24 County, Oregon"

25 is hereby granted a Conditional Use Permit in accordance with
 26 the terms of the Klamath County Zoning Ordinance No. 45.1, and,
 27 henceforth, will be allowed a rock quarry in the F-I (Forestry-I)
 28 zone.

Entered at Klamath Falls, Oregon, this 19th Day of
August, 1983.

C.U.P. 13-83
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KLAMATH COUNTY HEARINGS DIVISION
E. J. Gundersen
 Hearings Officer

STATE OF OREGON: COUNTY OF KLAMATH :ss
 I hereby certify that the within instrument was received and filed for
 record on the 19 day of August A.D., 1983 at 4:20 o'clock P.M.
 and duly recorded in Vol M83, of DEEDS on page 14021.

Fee \$ no fee

EVELYN BIEHN COUNTY CLERK

by Ann Lewis Deputy