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BEFORE THE HEARINGS OFFICER

KLAMATH COUNTY, OREGON

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1 In the Matter of Request for)
 2 Conditional Use Permit No. 20-84) Klamath County Planning
 3 for Robert L. Coats, Applicant) Findings of Fact and Order
 4

5 A hearing was held on this matter on May 17, 1984, pursuant
 6 to notice given in conformity with Ordinance No. 45.2, Klamath
 7 County, before the Klamath County Hearings Officer, Jim Spindor.
 8 The applicant was present. The Klamath County Planning Department
 9 was represented by Jonathan Chudnoff. The Hearings Reporter was
 10 Karen Alberto.

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

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

16 Klamath County Exhibit A, Staff Report
 17 Klamath County Exhibit B, Site Plan
 18 Klamath County Exhibit C, Contour Map
 19 Klamath County Exhibit D, Assessor's Map
 20 Klamath County Exhibit E, Photos
 21 Klamath County Exhibit F, Highway Division Letter
 22 Klamath County Exhibit G, Letters from Leonard Lundgren
 23 Klamath County Exhibit H, State Permit Information

24 The hearing was then closed, and based upon the evidence
 25 submitted at the hearing, the Hearings Officer made the
 26 following Conclusions of Law:

27 CONCLUSIONS OF LAW:

28 1. The proposed use is conditionally permitted in the zone

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1 within which it is proposed to be located.

2 2. The location, size, design and operating characteristics
3 of the proposed use are in conformance with the Klamath County
4 Comprehensive Plan.

5 3. The location, size, design and operating characteristics
6 of the proposed use will be compatible with and will not
7 have significant adverse affects on the appropriate development
8 and use of abutting property in the surrounding area.

9 4. The granting of this Conditional Use Permit is consistent
10 with the goals of the LCDC.

11 5. The granting of this Conditional Use Permit is subject
12 to the following conditions:

13 CONDITIONS:

14 a. The applicant shall follow all state and federal regula-
15 tions which cover the applicant's operation on a continuous basis.

16 b. The applicant shall maintain adequate trees or landscaping
17 to screen the plant and stockpile site from the Crescent cut-off
18 road.

19 c. When the applicant has completed use of the site, he
20 shall landscape it to the extent necessary to allow it to integrate
21 with the surrounding area.

22 FINDINGS OF FACT:

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

25 1. The request is for a Conditional Use Permit to allow a
26 quarry operation. The property involved is a portion of an
27 extensive lava flow and cinder cone known as Black Rock Butte.
28 A pit was opened at this site in the early 1950's but has not

1 operated since then. The operation would initially be limited
2 to the NW $\frac{1}{4}$, SE $\frac{1}{4}$ of Section 19. The quarry would involve some
3 blasting and a crusher and asphalt plant. The plant site would
4 be in a hollow, about one-quarter mile from the county road, and
5 would be screened from view by trees and the lava out-crop, itself.
6 The tentative plan is for work to begin in June of 1984.

7 2. The initial need for the material which would come from
8 this site is for the repair of Highway 58 west of Crescent Lake.
9 This road is extensively pot-holed throughout the Cascade Summit
10 area. As pointed out in the Highway Division's letter, Exhibit F,
11 there is a shortage of good gravel sources for highway construc-
12 tion in northern Klamath County.

13 3. The quarry property is a lava flow, with no surface
14 soil and no possibility of any agricultural use.

15 4. The property is all bare rock except for its southeastern
16 corner where some trees would have to be removed to accommodate
17 the crusher, asphalt plant, stockpiles and access road. The
18 affected area would be about 5 acres in size. Timber management
19 on surrounding public and private forest land would not be
20 affected by the quarry.

21 5. The proposed site would provide for development of a
22 gravel source which would meet road building needs in northern
23 Klamath County for many years to come. The Odell Butte area
24 can be described as scenic, with the lava flow itself having some
25 scenic interest as one of few such formations in Klamath County
26 readily visible from a public road. The quarry and related
27 plant would be screened from the road by existing trees to be
28 preserved, and by the topography.

1 6. The crushing and asphalt operations would add dust
2 and fumes to the area. The emission level is subject to limita-
3 tions imposed by the DEQ. The surrounding forest land has only
4 transient occupancy related to traffic on the road and logging
5 activities. The nearest residence is about three miles away.
6 The increase of noise and dust would be attenuated by the surround-
7 ing forest.

8 7. The area has a medium to high fire hazard rating. The
9 nearest fire fighting equipment is stationed at Gilchrist, about
10 seven miles to the east. The area occupied by the quarry opera-
11 tion would be cleared of trees and would not represent an addi-
12 tional fire hazard.

13 8. The operation would not affect the need for or availability
14 of recreational facilities in the area. The Crescent Creek
15 campground of the Deschutes National Forest is about two miles
16 northwest of the property. The quarry site would not be visible
17 from the campground and the prevailing westerly winds would carry
18 noise and dust in the opposite direction.

19 9. A gravel access road, about one-quarter mile long, would
20 connect the quarry and plant site with the paved county road.
21 At peak operation, the applicant estimates ten trucks per hour
22 hauling gravel and asphalt from the site.

23 10. No one testified in opposition to the granting of this
24 Conditional Use Permit, and there was no evidence presented that
25 there would be any adverse affects on the appropriate development
26 and use of abutting property or surrounding area so long as the
27 conditions set forth hereinabove are followed.

28 The Hearings Officer, based on the foregoing Findings of

1 Fact, accordingly orders as follows:

2 That real property described as

3 "being generally located on Black Rock Butte, about
4 6 miles west of Crescent, and more particularly
5 described as Tax Lot 4700, located in Section 19,
6 Township 24, Range 8, Klamath County, Oregon,"

7 is here granted a Conditional Use Permit in accordance with
8 the terms of the Klamath County Zoning Ordinance No. 45.2, and,
9 henceforth, will be allowed a quarry operation in the Forestry
10 zone.

11 Entered at Klamath Falls, Oregon, this 4th Day of June,
12 1984.

KLAMATH COUNTY HEARINGS DIVISION

[Signature]
Hearings Officer

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20 Return: Commissioners Journal

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STATE OF OREGON: COUNTY OF KLAMATH:ss
I hereby certify that the within instrument was received and filed for
record on the 5th day of June A.D., 19 84 at 1:29 o'clock P M,
and duly recorded in Vol M84, of Deeds on page 9428.

EVELYN BIEHN, COUNTY CLERK
by: [Signature], Deputy

Fee: \$ None

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