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## BEFORE THE HEARINGS OFFICER

KLAMATH COUNTY, OREGON

Vol. 1485 Page 16265

In the Matter of Request for  
Conditional Use Permit No. 33-84  
for Waldrip Brothers Company

) Klamath County Planning  
) Findings of Fact and Order

A hearing was held on this matter on September 5, 1985, pursuant to notice given in conformity with Ordinance No. 45.2, Klamath County, before the Klamath County Hearings Officer, Jim Spindor. The applicant was present. The Klamath County Planning Department was represented by Claudia Stine. The Hearings reporter was Janet Libercajt.

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

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

- Klamath County Exhibit A, Staff Report
- Klamath County Exhibit B, Plot Plan
- Klamath County Exhibit C1, Assessor's Map
- Klamath County Exhibit C2, Assessor's Map
- Klamath County Exhibit C3, Assessor's Map
- Klamath County Exhibit D, Letter from Dept. of Geology & Mineral Industries
- Klamath County Exhibit E, Pictures
- Klamath County Exhibit F, Copy of USGS Topography Map

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

CONCLUSIONS OF LAW:

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

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

4           3. The location, size, design and operating characteristics  
5 of the proposed development will be compatible with and will not  
6 have significant adverse affects on the appropriate development  
7 and use of abutting property and the surrounding neighborhood so  
8 long as the conditions set forth hereinbelow are followed.

9           4. The granting of this Conditional Use Permit is con-  
10 sistent with the goals of the L.C.D.C.

11           5. The requirements of Section 81.003 of the Klamath County  
12 Land Development Code have been met in that:

13           a. The site will be operated in accordance with  
14 applicable state and/or federal statutes.

15           b. The proposed access can accomodate the increased  
16 volume of traffic to be generated.

17           c. The proposed access can safely handle the type of  
18 increased traffic flow which will accompany the  
19 development without significantly endangering  
20 the public health, safety or welfare.

21           d. An adequate water supply is available to the site  
22 for dust control, required landscaping, reclamation  
23 and similar uses.

24           e. Blasting which may be necessary will not damage  
25 existing structures or facilities.

26           6. The granting of this Conditional Use Permit is subject  
27 to the following conditions:

28           a. All woody vegetation shall be removed prior to

1 mining. The vegetation shall be burned or otherwise  
2 properly disposed of.

3 b. No slope shall be steeper than 1½:1.

4 c. No more than three trucks shall be used to haul from  
5 site.

6 d. This operation shall not begin before 7:00 a.m. nor con-  
7 tinue beyond 6:00 p.m. on any day.

8 e. The applicant shall follow all conditions of the Oregon  
9 Department of Geology and Mining Industries as well as  
10 those of all other applicable state and/or federal  
11 agencies.

12 f. The applicant shall reclaim the site for agricultural  
13 purposes upon completion of the operation.

14 g. A small ridge shall be left on the north end of the site  
15 to provide visual screening from Midland.

16 FINDINGS OF FACT:

17 This Conditional Use Permit has been granted with conditions  
18 based on the following findings of fact:

19 1. This request is for a Conditional Use Permit to allow a  
20 quarry operation. The site is located on the western face of  
21 Klamath Hills. The quarry site would involve a small crusher.  
22 The site is located on the Lower Lake Road, and only two or three  
23 hauling trucks are estimated for daily use.

24 2. The property in question is rectangular in shape and is  
25 located in the EFU-CG zone. The nearest residence other than the  
26 applicant's is approximately one mile from the operation.

27 3. The use of rock is for the applicant's personal use on  
28 his ranch. The person crushing the rock for the applicant will  
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1 be selling some of the rock to other customers. There was Testi-  
2 mony presented that the operation would not begin before 7:00 a.m.  
3 nor continue beyond 6:00 p.m. on any day.

4 4. Notice of this hearing was sent to the surrounding pro-  
5 perty owners, to concerned public agencies, and published in the  
6 Herald & News, the Klamath Falls newspaper.

7 5. The quarry site is located in the west face of Klamath  
8 Hills and has an agricultural capacity class of VII with  
9 class III on the southern portion of this site. Upon completion  
10 of this project the developer plans to reclaim the site for agri-  
11 cultural purposes, such as grain storage, equipment storage, and  
12 other associated agricultural uses.

13 6. The property is virtually bare with sagebrush, rock, and  
14 a few scattered juniper on the west face of Klamath Hills.

15 7. A small ridge will be left on the north end of the site  
16 to provide visual screening from Midland. The material to be  
17 mined is colluvium. No significant topsoil has developed in the  
18 colluvium.

19 8. The crushing and asphalt operations would add dust and  
20 fumes to the area. The omission level is subject to any limi-  
21 tations imposed by the DEQ or any other effected agencies. There  
22 are no residences in the immediate area. There are no streams in  
23 this area.

24 9. The area has a medium fire hazard rating. The site is  
25 located within Klamath County District No. 1, and a fire station  
26 is located at Falcon Heights, approximately 3½ miles away.

27 10. The main use for the rock will be for the applicant's  
28 road; however, he is also going to sell some of the rock. The

1 proposed quarry would provide employment at the site and at var-  
 2 ious road projects served by it. It would also reduce the trans-  
 3 portation costs for road projects in the immediate area, as rock  
 4 hauling costs are expensive.

5 11. The site has access of Lower Lake Road, a paved county  
 6 road.

7 12. The proposed quarry site would conserve transportation  
 8 fuel by providing a quarry site on the applicant's property  
 9 rather than hauling it from another location.

10 13. No one testified in opposition to the granting of this  
 11 Conditional Use Permit and there was no evidence presented that  
 12 there would be any adverse affect on the appropriate development  
 13 and use of abutting property owners and the surrounding area.

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

16 That real property described as

17 "being generally located on the east side of Lower Klamath  
 18 Road, approximately three miles south of Crossroad, and more  
 19 particularly described as a Portion of the NW $\frac{1}{4}$ , SW $\frac{1}{4}$  of  
 20 Section 21, Township 40, Range 9, Government Lots 1 and 4(2)  
 Klamath County, Oregon,"

21 is hereby conditionally granted a Conditional Use Permit in  
 22 accordance with the terms of the Klamath County Zoning Ordinance  
 23 No. 45.2, and, henceforth, will be allowed a rock quarry in the  
 24 EFU-CG zone.

25 Entered at Klamath Falls, Oregon, this 3<sup>rd</sup> Day of  
 26 October, 1985.

27 KLAMATH COUNTY HEARINGS DIVISION

28 *Jim Spindor*

Jim Spindor, Hearings Officer

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STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of \_\_\_\_\_  
 of October A.D. 19 85 at 9:40 o'clock A M., and duly recorded in Vol. M85 day  
 of \_\_\_\_\_ Deeds \_\_\_\_\_ on Page 16265

FEE NONE

Return: Commissioner's Journal

Evelyn Biehn  
 By \_\_\_\_\_

County Clerk

*Ram Smith*