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BEFORE THE HEARINGS OFFICER

KLAMATH COUNTY, OREGON

In the Matter of Request for )  
 Renewal of Conditional Use )  
 Permit 81-17 for JNS Excavation )

Klamath County Planning  
 Findings of Fact and Order

98 JUL 7 PM 12 32

A hearing was held on this matter on April 17, 1986, pursuant to notice given in conformity with Ordinance No. 45.2, Klamath County, before the Klamath County Hearings Officer, Jim Spindor.

The applicant was represented by John Nickleson. The Klamath County Planning Department was represented by Kim Lundahl. 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 C, Assessor's Map
- Klamath County Exhibit D, Map of surrounding property owners
- Klamath County Exhibit E, Letter from D.E.Q.
- Klamath County Exhibit F, Letter from Health Department
- Klamath County Exhibit G, Letter from D.E.Q. dated 4-4-86

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

Conclusions of Law:  
CONCLUSIONS OF LAW:

1 1. The Conditional Use Permit herein is extended from a  
2 review each two years to a review each five years.

3 2. The Klamath County Health Department need not make an  
4 inspection each month, but only when they determine such an  
5 inspection is necessary.

6 3. The applicant need not send the dumping records with  
7 the names and addresses of each job to the Klamath County Health  
8 Department; however, such records shall be maintained by the  
9 applicant for review by appropriate agencies.

10 4. Other than modified hereinabove, all previous orders  
11 with regard to this Conditional Use Permit shall remain in full  
12 force and effect.

13 FINDINGS OF FACT:

14 The continuance of this Conditional Use Permit with  
15 modifications is based on the following Findings of Fact:

16 1. This Conditional Use Permit has operated for the last  
17 year without any problems having occurred.

18 2. The applicant has fully cooperated with all concerned  
19 agencies.

20 3. Notice of this hearing was sent to surrounding property  
21 owners, to concerned public agencies, and published in the  
22 Herald and News, the Klamath Falls newspaper.

23 4. No one appeared at the hearing, nor was any evidence  
24 presented that there had not been full compliance with the  
25 previous order herein.

26 5. The Planning Department has requested the above-mentioned  
27 modifications, based on the cooperation of the applicant with all  
28 concerned agencies, and upon Exhibit "G", a letter from the

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1 Department of Environmental Quality of the State of Oregon.  
2 The Hearings Officer, based on the foregoing Findings of  
3 Fact, accordingly orders as follows:

4 That real property described as  
5 "Being generally located in the Klamath Hills east of  
6 Lower Lake Road about 1 1/4 miles south of its junction with  
7 Cross Road, and more particularly described as the NE 1/4  
8 of the NE 1/4, Section 17, Township 40, Range 9, being a  
9 Portion of Tax Lot 117-1, Klamath County, Oregon,"  
10 is hereby granted a Renewal of Conditional Use Permit in  
11 accordance with the terms of the Klamath County Zoning Ordinance  
12 No. 45.2, and, henceforth, will be allowed to continue the use  
13 with modifications to previous order.

14 Entered at Klamath Falls, Oregon, this 3rd Day of July,  
15 1986.

16 KLAMATH COUNTY HEARINGS OFFICER

17 Jim Spindor  
18 Jim Spindor, Hearings Officer  
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Renewal of C.U.P. 81-17/JNS Excavation  
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STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of \_\_\_\_\_  
of July A.D., 19 86 at 12:32 o'clock P M., and duly recorded in Vol. M86  
of \_\_\_\_\_ Deeds on Page 11856

FEE NONE

Return: Commissioner's Journal

By Evelyn Biehn County Clerk  
Ann Smith