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BEFORE THE HEARINGS OFFICER OF KLAMATH COUNTY, OREGON

In the Matter of the Request)	C.U.P. 54-87
for a Conditional Use Permit)	FINDINGS OF FACT, CONCLUSIONS
for GILCHRIST TIMBER CO.)	OF LAW AND ORDER
)	

This matter came before Hearings Officer William M. Ganong on January 21, 1988 in the Klamath County Commissioner's Hearing Room. The Hearing was held pursuant to the Notice given in conformity with the Klamath County Land Development Code and related ordinances. The applicant was represented by William Speers its Woods Superintendent at the hearing. The Klamath County Planning Department was represented by Mr. Carl Shuck and the Recording Secretary was Karen Burg. The Klamath County Planning Department file and all contents thereof were incorporated in the record as evidence. The County Hearings Officer, after reviewing the evidence presented, makes the following Findings of Fact, Conclusions of Law and Decision:

FINDINGS OF FACT:

1. Gilchrist Timber Co. has applied for a Conditional Use Permit to locate a portable log chipper and log storage facility on a ten acre site located one-half mile west of U.S. Highway 97N., two miles south of Cresent, Oregon and along the railroad right of way.
2. The subject property is located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 2, Township 25S., Range 8E., W.M. The site will be leased to Leon Virgin who will operate the chipping facility.
3. The subject property was logged approximately one year ago. The property is located in an area where the trees, primarily lodgepole pine, are being killed by pine beetles. The dead trees must be harvested within ten years. Currently, the primary uses of the dead trees are chipping and firewood.

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4. The site is located approximately $\frac{1}{2}$ mile northwest of the Diamond International pole mill.

5. Mr. Speers testified that the proposed chipping facility is compatible with the commercial forestry practices conducted in that general area and will have no adverse impact whatsoever on nearby forestry operations.

KLAMATH COUNTY LAND DEVELOPMENT CODE CRITERIA

Klamath County Land Development Code Section 44.003 sets forth the criteria for granting a Conditional Use Permit.

KLAMATH COUNTY CODE FINDINGS OF FACT AND CONCLUSIONS

The following Findings of Fact and Conclusions are made concerning the criteria set forth in Klamath County Land Development Code Section 44.003:

A. The subject use is conditionally allowed in the Forestry zone which applies to this property pursuant to Klamath County Land Development Code Section 51.020.

B. The location, size, design and operating characteristics of the proposed use are in conformance with the Klamath County Comprehensive Plan. The Findings of Fact contained in the Klamath County Staff Report are adopted hereby and incorporated herein by this reference.

C. In the opinion of the Hearings Officer the type of primary forest product processing proposed by the Applicant should be allowed outright in the Forestry zone.

D. Substantial testimony in the record demonstrates that the proposed use is compatible with, necessary and accessory to the permitted uses in the Forestry zone. The proposed site is located near the timber which will be utilized, it is near the transportation facilities necessary to move the chips to market and the timber must be utilized soon or lost.

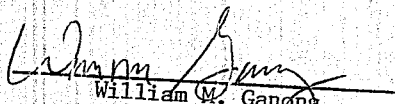
E. The proposed use is in conformance with the Klamath County Comprehensive Land Use Plan and will have no significant adverse effect on the appropriate development and use of the surrounding area.

ORDER

The subject application for a Conditional Use Permit to operate a portable chipper and log storage facility on the above described land is granted.

This permit shall expire on December 31, 1998. However, the Planning Director may extend the permit for an additional five years upon a determination that the subject use is in conformance with the Klamath County Comprehensive Land Use Plan then existing.

DATED this 18th day of February, 1988.


William M. Ganong
Hearings Officer

Klamath County Land Development Code Section 24.007 provides:

"An Order of the Hearings Officer shall be final unless appealed within ten (10) days of its mailing by a party having standing in accordance with the procedures set forth in Chapter 3, Article 33 of this Code."

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County Planning Dept. the 23rd day
of February A.D., 19 88 at 4:26 o'clock P M., and duly recorded in Vol. M88
of Deeds on Page 2636

FEE NONE
Ret: Commissioners' Journal

Evelyn Biehn, County Clerk
By 