

BEFORE THE PLANNING COMMISSION  
KLAMATH COUNTY, OREGON

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ORDER

1 IN THE MATTER OF THE REQUEST FOR)  
2 CONDITIONAL USE PERMIT 8-88 FOR )  
3 LEWIS HAWKS )

4 I. NATURE OF REQUEST

5 A public hearing was held on this application on April 26,  
6 1988, before the Klamath County Planning Commission. The request  
7 to locate a mineral extraction site in an agricultural zone  
8 (EFU-G) was considered pursuant to Land Development Code Section  
9 51.019(C).

10 II. NAMES OF THOSE INVOLVED

11 The applicant, Lewis Hawks, was represented by James Goslin  
12 and Bradford Aspell, Attorney at Law, who testified in support  
13 of this request. Appearing in opposition to this application  
14 was Robert Runels. The Planning Department was represented by  
15 Kim Lundahl, Senior Planner. The recording secretary was  
16 Karen Burg. David Mannix, Deputy County Counsel, was present.  
17 Members of the Planning Commission who sat at this hearing were:  
18 Susan Crismon, John Monfore, Ned Livingston, Fran Gorham, John  
19 Kite, and Doug Everett.

20 III. LEGAL DESCRIPTION

21 Portion of Section 31, Township 30S, Range 8E, located east  
22 of Crater Lake Lumber, Lenz Siding; Tax Acct. 3008-3100-1200.

23 IV. RELEVANT FACTS

24 The Klamath County Planning Department file and all contents  
25 thereof, Exhibits A through E, and testimony received, are incor-  
26 porated in this order as evidence.

27 V. RELEVANT APPROVAL CRITERIA

28 Review criteria relating to this application are set out in

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## 1 Land Development Code Section 81.003:

- 2 A. That the site will be operated in accordance with  
3 applicable State and/or Federal statutes.
- 4 B. That the proposed access can accommodate the increased  
5 volume of traffic to be generated.
- 6 C. That the proposed access can safely handle the type of  
7 increased traffic flow which will accompany the develop-  
8 ment without significantly endangering the public health  
9 safety, or welfare.
- 10 D. That an adequate water supply is available to the site.  
(For dust control, required landscaping, reclamation,  
etc).
- 11 E. That blasting which may be necessary will not damage  
existing structures or facilities.

12 and those set out in Land Development Code Section 51.019(C):

- 13 a. Does not interfere seriously with accepted farming  
practices on adjacent lands;
- 14 b. Wherever possible, use will be situated upon land  
generally unsuitable for farm use as defined by  
15 this Code, considering parcel size, the terrain,  
16 vegetation, drainage, adverse soil conditions,  
flooding and location;
- 17 c. Wherever possible, use will not be located upon soils  
classified predominantly as I-IV;
- 18 d. The access shall be designed so as not to interfere  
19 with accepted farm practices on surrounding land; and
- 20 e. Complies with such other conditions as the review  
authority considers necessary.

21 VI. FINDINGS

22 The Planning Commission found, by a vote of five to one, the  
23 evidence submitted and testimony offered demonstrate the approval  
24 criteria, as set out in Section V have been satisfied.

25 VII. CONCLUSIONS

26 This application has satisfied the criteria in that correct  
27 notice was given, all relevant Comprehensive Plan Policies and  
28 review criteria have been complied with.

1 VIII. ORDER

2 Therefore, the Planning Commission grants the request for  
3 Conditional Use Permit 8-88 subject to the following:

4 1. The extraction of materials process will be limited to  
5 a five acre site.

6 2. This permit will expire on April 26, 1995.

7 DATED THIS 6th DAY OF May, 1988

8  
9 PRESIDING OFFICER OF THE PLANNING COMMISSION

10 Susan H. Crismon

11  
12 SECRETARY TO THE PLANNING COMMISSION

13 Carl Shuck

14  
15  
16 Approved as to Form and Content:

17 David Mannix

18 David Mannix, Deputy County Counsel

19  
20 STATE OF OREGON: COUNTY OF KLAMATH: ss.

21 Filed for record at request of Planning Commission the 11th day  
of May 19 88 A.D., at 4:20 o'clock PM., and duly recorded in Vol. M88  
of Deeds on Page 7423

22 FEE \$None

23 Evelyn Biehn

24 By

County Clerk

Bernetha A. Hetch