

87344

## BEFORE THE HEARINGS OFFICER OF KLAMATH COUNTY, OREGON

In the Matter of the Request	)	C.U.P. 7-88
for a Conditional Use Permit	)	FINDINGS OF FACT, CONCLUSIONS
for WILLIAMS LAND CO., INC.	)	OF LAW AND ORDER

This matter came before Hearings Officer William M. Ganong on April 7, 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 Gary Williams, its Vice-President, at the hearing. The Klamath County Planning Department was represented by Mr. J. Kim Lundahl 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. Williams Land Co., Inc. has applied for a Conditional Use Permit to locate a commercial mineral extraction site on a five acre site located five miles east of Bonanza, Oregon.
2. The subject property is located in the Sections 8 and 17, Township 39S., Range 12E, W.M. and is Klamath County Tax lot 3912-1700-3100.
3. The subject property is a rocky knoll bordoring cultivated fields. The true intent of the Applicant is to remove the knoll and level the area so that it can be cultivated and irrigated with a pivot system.
4. In the process of leveling the knoll, if commercial grade materials are removed, the Applicant wants the authority to sell said materials. Most of the material is sand.

88 MAY 17 AM 9 18

5. The subject property has a SCS class rating of VII and currently has no agricultural use.

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. Substantial testimony in the record demonstrates that the proposed use is compatible with and accessory to the permitted uses in the Forestry zone. The proposed site when leveled will increase the productive agricultural land of the Applicant. The land is isolated from other land owners and residences and will involve no more impact than other Agricultural practices.

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.

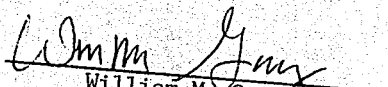
ORDER

The subject application for a Conditional Use Permit to operate a commercial mineral extraction site is granted.

7644

This permit shall expire on December 31, 1991. However, the Planning Director may extend the permit for an additional three years upon a determination that the subject use is in conformance with the Klamath County Comprehensive Land Use Plan then existing.

DATED this 6th day of May, 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.  
of May A.D., 19 88 at 9:18 o'clock A M., and duly recorded in Vol. M88  
of Deeds on Page 7642,  
FEE None

Evelyn Biehn  
By Dorothy A. Hirsch County Clerk