

BEFORE THE HEARINGS OFFICER OF KLAMATH COUNTY, OREGON

In the Matter of the Request)	C.U.P. Case No. 44-88
for a Conditional Use Permit)	FINDINGS OF FACT, CONCLUSIONS
for CRATER LAKE LUMBER CO.)	OF LAW AND ORDER

THIS MATTER came before Deputy Hearings Officer Michael C. Miller on December 1, 1988 in the Klamath County Commissioners' Hearing Room. The applicant was represented by David Miller. The Klamath County Planning Department was represented by Mr. J. Kim Lundahl and the Recording Secretary was Karen Burg. The Klamath County Planning Department's file and all contents thereof were incorporated into the record as evidence. The Deputy Hearings Officer, after reviewing the evidence presented, makes the following Findings of Fact, Conclusions of Law and Decision:

FINDINGS OF FACT:

1. The Applicant is requesting a Conditional Use Permit to bury wood, insulation and metal refuse generated during the reconstruction of a mill which had been damaged by a fire. The Applicant proposes to bury the refuse in an existing 200' x 400' pit on the property and then cover the material with dirt. The Applicant does not propose to use the solid waste disposal site after the fire-generated refuse is buried.

2. Solid waste disposal sites are a non-forest conditional use pursuant to Section 51.020 D (2). The use is subject to the conditions imposed by subsection D.

CONCLUSION AND ORDER:

1. The Deputy Hearings Officer concludes that the proposed

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER -1-

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use is:

- a. Compatible with forest uses;
- b. Does not interfere seriously with the accepted forest practices on adjacent land devoted to forest use and does not significantly increase the cost of forestry operations on said land;
- c. Does not materially alter the stability of the overall land use pattern in the area;
- d. Is situated on generally unsuitable land for the production of forest crops and livestock;
- e. Considers forest site productivity and minimizes the loss of productive forest lands and is limited in size to the area suitable and appropriate to the needs of the proposed use;
- f. Meets the standards relating to the availability of fire protection as set forth in Article 69 of the Land Development Code and will not overtax those services.

2. The Applicant's proposed use is granted on condition that the solid waste disposal site not be used for other disposals without further application.

DATED THIS 7th day of December, 1988.

Michael C. Miller
Michael C. Miller
Deputy 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."

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER -2-

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County the 9th day
of Dec. A.D., 19 88 at 2:28 o'clock P.M. and duly recorded in Vol. M88
of Deeds on Page 21026

FEE none

Return: Commissioners Journal

Evelyn Biehn County Clerk

By Carlene Miller