

1 IN THE MATTER OF REQUEST FOR)
 2 CONDITIONAL USE PERMIT 8-89 TO ALLOW)
 3 A TIRE GASSIFICATION/POWER GENERATION)
 4 FACILITY IN CONJUNCTION WITH AGRICULTURAL)
 5 USE)

ORDER

5 I. NATURE OF APPLICATION

6 This is a request to establish a tire gassification/power
 7 generation facility in conjunction with agricultural use in Swan
 8 Lake Valley.

9 This case was accepted for Conditional Use Permit processing
 10 per Land Development Code Section 51.017(C)(15) and held pursuant
 11 to notice given in conformity with Ordinances 44 and 45.

12 Hearings on this application were held March 28, 1989, and
 13 continued for decision only on April 25, 1989.

14 II. NAMES OF THOSE INVOLVED

15 The applicant, Jespersen-Edgewood, Inc., was represented by
 16 Larry Jespersen. The Planning Department was represented by
 17 Kim Lundahl, Senior Planner. The recording secretary was Karen Burg.
 18 Michael Spencer, County Counsel, was also present. Testimony in
 19 favor of this request was offered by Franz Rotter. Testimony in
 20 opposition was given by Andrew Gigler. Additional testimony was
 21 entered by Bruce and Maxine Wirth and Glenn Lorenz. Members of
 22 the Planning Commission who sat at this hearing were Susan Crismon,
 23 John Monfore, Ed Livingston, Bob Brackett, John Kite, Doug Everett,
 24 Harold Pearce, and Donald McCasland.

25 III. LEGAL DESCRIPTION

26 The subject property is located in Section 20, Township 37S,
 27 Range 10E and is included in Tax Lot No. 3710-00000-4000.

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'89 MAY 11 PM 4 17

1 IV. RELEVANT FACTS

2 The area developed for the packing/processing facility is
3 ten acres. The site is located in Swan Lake Valley, east of the
4 point the valley road turns from north to west. This permit was
5 previously considered as Conditional Use Permit 5-87. The plan
6 designation of the property is agriculture with an implementing
7 zone of EFU-CG. The property is under farm tax deferral.

8 Approval Criteria and findings of Fact

9 The Planning Department file and contents thereof are
10 included as evidence. Conditional non-farm uses require findings
11 that the use:

12 a. Does not interfere seriously with accepted farming
13 practices on adjacent lands.

14 The Commission finds this use will not interfere with
15 accepted adjacent farming practices as:

16 1. The area proposed for the project is adjacent to an
17 existing packing and milling shed. This facility will provide
18 electrical energy for agricultural purposes.

19 b. Use will be situated upon land generally unsuitable for
20 farm use due:

21 1. To its location within the developed packing shed
22 site.

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25 ///

26 d. The access shall be designed so as not to interfere with
27 accepted farm practices on surrounding land:

28 1. Existing access to packing shed will be used for

1 tire gassification facility.

2 e. The use complies with such other conditions as the
3 Planning Commission deemed necessary:

4 1. The Commission finds the conditions set out in
5 D.E.Q. Permit No. WTS 1101 are necessary.

6 VI. ORDER

7 Therefore, it is hereby ordered the request for Conditional
8 Use Permit 8-89 is approved subject to the conditions set out
9 in D.E.Q. Permit WTS 1101.

10 DATED THIS 10th DAY OF May, 1989.

11
12 Susan H. Cramon
13 Presiding Officer to the Planning Commission

14
15 Carl Shuck
16 Secretary to the Planning Commission

17
18 APPROVED AS TO FORM AND CONTENT:

19 Michael Spencer
20 County Legal Counsel

21 NOTICE OF APPEAL RIGHTS

22 You are hereby notified that this decision may be appealed to
23 the Klamath County Board of Commissioners by filing with the
24 Klamath County Planning Department a Notice of Appeal as set
25 out in Section 33.004 of the Klamath County Land Development
26 Code, together with the fee required within ten (10) days of
27 the date of mailing of this decision. The Notice must be
28 received by the Planning Department no later than 5:00 p.m.
on the tenth day or the next business day if the tenth day
falls on a weekend or holiday. Failure to file a Notice of
Appeal within the time provided will result in the loss of
your right to appeal this decision.

CUP 8-89/Jespersen-Edgewood, Inc.
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STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County
of May A.D., 19 89 at 4:17 o'clock PM., and duly recorded in Vol. M89 day
of Deeds on Page 8130

FEE none

Return: Commissioners Journal

Evelyn Biehn County Clerk

By Paula Anderson