

BEFORE THE HEARINGS OFFICER  
KLAMATH COUNTY, OREGONIN THE MATTER OF CUP 47-90 FOR I.F. RODGERS  
& SONS AMENDING THE CONDITIONS OF APPROVAL FOR  
CUP 4-89.

ORDER

NATURE OF REQUEST

The applicant received approval to establish two mineral extraction sites on their property per Hearings Officer Order dated June 13, 1989. The applicant requests the Hearings Officer amend the order to allow an expansion of the use and duration of time for that site referenced as the "Poe Valley Site" within the Order. This request was heard pursuant to Klamath County Ordinances 44 & 45.

THOSE WHO PARTICIPATED

The Hearings Officer in review of this request was Neil D. Smith. The applicant was present and presented testimony in support of the request. Kim Lundahl, Senior Planner, represented the Planning Department and Karen Burg was the recording secretary. No opposition to this request was made in writing nor was opposing testimony received at the Hearing.

FINDINGS

All testimony received and exhibits presented for the previous case (CUP 4-89) are included within the context of the present proceeding. Testimony and exhibits presented for the present proceeding are also included. All were reviewed in consideration of the present request.

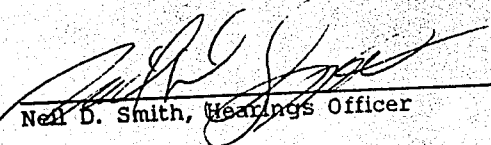
ORDER

The Hearings Officer directs the Order of William Ganong for CUP 4-89 and dated June 13, 1989 amended as follows:

1. Finding of Fact #3, pg. 2 is amended by deleting in its entirety that sentence reading; The developed quarry and stockpile will not exceed one acre in size and not more than 5,000 cu. yds. of material per year will be removed from the site.
2. Findings of Fact and Conclusion #7, pg. 7 is amended by deleting in its entirety the sentence reading; The site is small, not more than one acre, and not more than 5000 cu. yds. of material per year will be removed from the site.
3. Findings of Fact and Conclusions #8 and #9, pg. 7 are deleted in their entirety.

4. Order and Conditions #2 and #4, pg. 8 are deleted in their entirety.

DATED this 21st day of September, 1990

  
Neil D. Smith, Hearings Officer

### NOTICE OF APPEAL RIGHTS

You are hereby notified that this decision may be appealed to the Klamath County Board of Commissioners by filing with the Planning Department a NOTICE OF APPEAL as set out in Section 33.004 of the Code, together with the required fee within TEN DAYS of the date of mailing of this decision. Failure to file a NOTICE OF APPEAL within the time provided will result in the loss of your right to appeal this decision.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of \_\_\_\_\_ the 24th day  
of Oct. A.D., 19 90 at 12:31 o'clock P.M., and duly recorded in Vol. M90,  
of \_\_\_\_\_ Deeds \_\_\_\_\_ on Page 19194.

Evelyn Biehn, County Clerk

By Deanne Mullender

FEE none

Return: Commissioners Journal