

## BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR KLAMATH COUNTY, OREGON

IN THE MATTER OF CUP 22-88 FOR FRANK AND  
PEGGY WALLACE TO ESTABLISH A MINERAL EXTRACTION  
SITE IN THE EFU-C ZONE.

ORDER # 91-2841. NATURE OF THE ORDER:

The purpose of this Order is to issue a Conditional Use Permit to operate a mineral extraction site on property west of Merrill as resolved per Klamath County Circuit Court Case No. 88-382-CV.

2. LEGAL DESCRIPTION:

The property is described as a portion of the S 1/2, NE 1/4, Section 5, T 41S, R 10E, W.M.. And is assessed as tax parcel #4010-5-400.

3. CONDITIONS OF OPERATION:

Following are the Conditions of Operation as agreed to by the County and the Applicant:

A. AREA: The total area of the site shall be ten (10) acres which shall be 682 feet on a side with the midpoint of the south boundary of the ten acres centered on the midpoint of the south boundary of the S 1/2 of the NE 1/4, Section 5, T 41S R 10E W.M..

B. SITE OF EXCAVATION: Excavation will begin in the southwesterly portion of the site and proceed north by northeasterly into the resource site in such a way as to screen as much as practicable from the two homesites located approximately 1500 and 1700 feet north of the initial site and from the residence located 1900 feet easterly of the site. The boundaries shall be surveyed and clearly marked.

C. ACCESS: Access to the site shall be made either from the south to Lower Lake Rd. or north to Cheyne Rd.. All access roads shall be graded, watered, and treated as needed to control dust.

D. METHODS OF PRODUCTION: Aggregate shall be excavated from the site with the use of proper excavation type equipment. It may either be screened by an on-site screening plant or crushed by a portable rock crushing plant. An on-site generator may also be used.

All equipment shall be equipped to meet DEQ sound standards and, in the case of the screening plant and rock crusher, all fugitive dust standards. All equipment shall be stored behind visual barriers out of sight from the three residences located nearby.

E. OPERATING HOURS: 6:00 A.M. to 6:00 P.M. Six days a week.

11977

No operation shall be allowed on Sundays or major holidays which are defined as New Years Day, Easter, Memorial Day, Independence Day, Labor Day, Thanksgiving, and Christmas.

F. DUST MITIGATION: The applicant/operator shall comply with all DEQ dust emission and control standards, both for the quarry site and for any access roads. This shall include a mist sprayer for the rock crusher.

F. BLASTING: Blasting may be conducted on a limited basis provided that such blasting is conducted by a licensed professional blasting consultant. A minimum of two business days advanced notice shall be provided to all three residences and to the Planning Department, together with a copy of an insurance binder providing at least \$1 million dollar aggregate limit. The applicant/operator shall be strictly liable for any and all damage or injuries sustained as a result of any blasting.

G. COMPLIANCE WITH OTHER STATE REGULATIONS: The applicant/operator shall comply with all current and future state regulations regarding the operation of this quarry site. Any violation of those regulations shall be deemed a violation of the terms of this permit.

H. ENFORCEMENT: The terms of this permit shall be enforced by the Klamath County Planning Department. A material violation of any of the conditions of this permit shall be grounds for the termination of this permit through the Hearings Officer process. Nothing contained in this section shall be construed to limit or impair any right or remedy under any other provision of law.

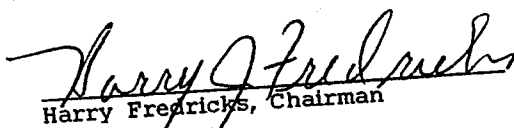
I. ADDITIONAL ACREAGE: The applicant may not apply for additional acreage for a period of three (3) years from the date of this permit. If, after three (3) years, the applicant shall be referred to the Klamath County Hearings Officer and all interested parties shall be provided with notice and an opportunity to be heard. Nothing in the terms of this permit shall be deemed to be approval for additional acreage and such approval shall be granted only upon a showing that the additional excavation complies with all conditions of the Klamath County Land Development Code.

#### 4. ORDER:

It is hereby ordered Conditional Use Permit 22-88 be approved and issued to Frank and Peggy Wallace subject to the above Conditions of Operation.

DATED this 20 day of June, 1991

BOARD OF COUNTY COMMISSIONERS

  
Harry Friedrichs, Chairman

STATE OF OREGON,  
County of Klamath ss.

Filed for record at request of:

Klamath County  
on this 24th day of June A.D., 1991  
at 8:47 o'clock A M. and duly recorded  
in Vol. M91 of Deeds Page 11976  
Evelyn Biehn, County Clerk  
By Pauline M. [Signature] Deputy.

Return: Commissioners Journal

Fee, none

CUP 22-88 WALLACE