

BEFORE THE BOARD OF COMMISSIONERS
KLAMATH COUNTY, OREGONIN THE MATTER OF THE APPEAL OF CUP 81-17,
JNS EXCAVATION, BY KEN WRIGHTORDER 92-051NATURE OF THE APPEAL:

The renewal of this CUP was considered by the Hearings Officer June 28, July 26, August 9, and September 20, 1991. An Order granting renewal of this permit was issued October 1, 1991.

Mr. Wright, the appellant, posted an appeal of this disposition October 8, 1991 and the case was considered by the Board of County Commissioners November 4, 1991.

The above Hearings were conducted in accordance with the Klamath County Land Development Code. The matter was continued for decision only to November 20, 1991.

THOSE WHO PARTICIPATED:

Commissioners Fredricks, Kentner and Sine were present. The Planning Department position was set out by Kim Lundahl, Senior Planner. The appellant was represented by Brad Aspell, Attorney at Law, who appeared and argued in favor of the appeal. Carol Yarbrough, Lord Maitreya, Lawrence Cheyne, Nancy Roeder, and Mr. Wright all offered argument in behalf of the appeal. The applicant, Johnny Nickelson, appeared and offered argument against the appeal, as did Nell Kuonen.

FINDINGS & ORDER:

The Board of County Commissioners, upon review of the record and hearing of argument, DENY the appeal of Ken Wright and uphold the decision of the Hearings Officer as set out below:

This decision is based on the testimony and evidence received by the Hearings Officer, the Evidence, Findings and Conclusions contained in the Hearings Officer Order Dated October 1, 1991, and argument received by the Board at Hearing November 4, 1991.

The request for renewal is approved subject to the following Conditions:

1. The permit granted is for the disposal of non hazardous septic tank wastes only. The disposal of any materials declared "hazardous" by the Oregon State Dept. of Environmental Quality will be grounds for the revocation of this permit.
2. The grantee will file with the Environmental Health Services Division a plan for the ultimate disposal of accumulated dried sludge setting ot a timeframe of six months for the disposition of the sludge. This plan must be submitted to the Division for the appropriate approvals no later than 60 days following the date of this order.
3. The facility will be accessible for agency inspection and testing pending 24 hours notice to the grantee.

4. The grantee will construct fencing which will deter animals from accessing the pond area by June 1, 1992. The grantee is required to consult with the Oregon Department of Fish and Wildlife as to the most effective method of fencing.

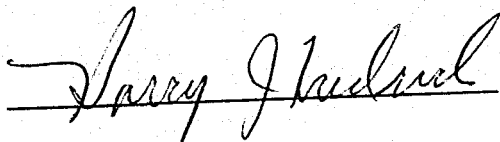
5. The permit grantee shall remit \$300 to the Planning Department as an out of court settlement for alleged violations of the previous CUP approvals /renewals within 15 days following the date of this Order. If payment is not received in a timely manner the Code Enforcement Officer is ordered to file Complaint in District Court.

6. The renewal hereby granted is effective for three years following the date of this order

The Board finds the construction of additional septic disposal evaporation/treatment ponds and the permitting of the disposal of other than non hazardous septic tank wastes discretionary decisions within the context of LDC section 12.010 that require new application.

DATED this 27th day of November, 1991


Commissioner



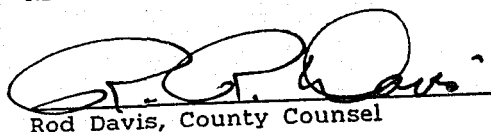
Commissioner



Commissioner



REVIEWED


Rod Davis, County Counsel

NOTICE OF APPEAL RIGHTS

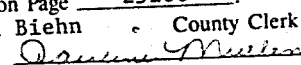
This decision may be appealed to the Land Use Board of Appeals within 21 days following the date of the mailing. Contact the Klamath County Planning Department for more information regarding this procedure. Failure to do so within the 21 day period may jeopardize your right of appeal.

APPEAL: CUP 81-17 JNS

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County the 3rd day
of Dec. A.D., 1991 at 10:00 o'clock A.M., and duly recorded in Vol. M91
of Deeds on Page 25206.

FEE none

Evelyn Biehn County Clerk
By 

Return: Commissioners Journal