

## BEFORE THE HEARINGS OFFICER OF KLAMATH COUNTY, OREGON

In the Matter of the Request for a  
Conditional Use Permit by

RANDY SCOTT, FOR KLAMATH PACIFIC,  
Applicant.

CUP 1-96

ORDER

96 MAR 21 AM 5:55

## 1. NATURE OF THE REQUEST:

The applicant wishes to establish a facility for crushing, stockpiling and processing of aggregate and like material on 46 acres zoned EFU-C. The request was heard by the Hearings Officer on February 16, 1996, pursuant to ordinances 44 and 45. The request was reviewed for conformity with Land Development Code Article 54 and ORS 215.243.

## 2. NAMES OF THOSE WHO PARTICIPATED:

The Hearings Officer in review of this application was Neal G. Buchanan. The applicant appeared and offered testimony in support of the application. The Planning Department was represented by Kim Lundahl, and the recording secretary was Karen Burg. Those offering written material, testimony or objection with reference to the application included:

Ron Eichelkraut  
Calvin Crumrine  
Peggy Davis  
Mike Voight  
Jessica Powers  
Dave Wilson  
Carol Moreland  
Gregory Randolph  
G. Michael Colville  
Evelyn Manning  
Sandy Brown  
Alfred Unger  
Thompson  
Higgins  
McDaniel  
McNary  
Joe Wright  
Reginato  
Noonan  
Collins

Tammy Wallace  
Irma Crumrine  
Chuck Paulsen  
Ronald Powers  
Chris Tisdell  
Gerald Hodges  
Charles Payne  
Sherrie Randolph  
Linda Colville  
Brian Brown  
Karen Sartin  
June Unger  
Dale Coombe  
Brown  
Ager  
Warner  
Baird  
Bair  
Pat Smith  
Michael Supena

### 3. LOCATION:

The property under consideration is generally located adjacent to and on the west of Spring Lake Road, west of Kingsley Field.

### 4. RELEVANT FACTS:

The property has an implementing zone of EFU-C. The parcel is approximately 46 acres in size. Agricultural and residential land use, as well as the Kingsley Field air base are found within one mile of this project.

### 5. EVIDENCE RECEIVED:

Exhibit A (the Staff Report) through X.

### 6. FINDINGS:

A. The requested use is one which is provided for under Article 54.030(F) and/or (G).

B. It appears that surrounding parcels, particularly to the west of the proposed project are primarily developed as rural residential or farm use. Despite the presence of the Kingsley Field air field in fairly close proximity to the proposed project, it appears that the land use pattern in the area will be modified, if the application is approved.

C. The property appears to be included within the Airport Overlay Plan. However, no finding is made as regards the impact of the overlay upon the instant application.

D. The Hearings Officer determines that an application for a conditional use permit in an exclusive farm use zone is to be reviewed pursuant to the criteria set forth in Article 54.040 "in place of those enumerated in Section 44.030." Subsection F of Article 54.040 provides that such review shall include consideration of whether or not "the use complies with other conditions as the review authority considers necessary." As a review authority, the Hearings Officer is of the opinion that the review criteria contained in Article 44.030 constitutes such "other conditions as the review authority considers necessary."

The evidence presented at the hearing would suggest that the location, design, and operating characteristics of the proposed use will have a significant adverse impact on the livability of abutting properties and the surrounding area.

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## 7. ORDER:

Therefore, it is ordered that the request of Randy Scott for Klamath Pacific for CUP 1-96 is denied.

Dated this 18<sup>th</sup> day of March, 1996.

Neal G. Buchanan  
NEAL G. BUCHANAN  
Hearings Officer

## NOTICE OF APPEAL RIGHTS

You are hereby notified that this Order may be appealed to the Klamath County Board of Commissioners by filing with the Klamath County Planning Department a notice of appeal as set out in Section 33.040 of the Klamath County Land Development Code, together with the fee required within seven (7) days of the mailing date of this Order. 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 Klamath County the 21st day  
of March A.D. 19 96 at 10:55 o'clock A.M., and duly recorded in Vol. M96  
of Deeds on Page 7705.

FEE No Fee  
Commissioners Journal

Bernetha G Letsch, County Clerk

By Cheryl Russell