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## BEFORE THE HEARINGS OFFICER OF KLAMATH COUNTY, OREGON

In the Matter of the Hearings Officer Review on )  
Appeal for: Widwood Harvest LLC. ) ORDER  
Site Plan Review )

## 1. NATURE OF THE REQUEST

This matter came before the Hearings Officer on October 2, 1998 on remand from the BOCC to consider new testimony.

## 2. NAMES OF PARTICIPANTS

The hearings officer reviewing this application is Jean-Marie Michelsen. The applicant appeared and offered testimony, there had been significant opposition to earlier proposals. There was additional public testimony at the second hearing as well. The planning department was represented by Kim Lundahl. The recording secretary was Karen Burg.

## 3. LOCATION AND GENERAL DESCRIPTION OF PROPERTY

The property is zoned IH and is located west of the KNRR right of way S of the Crescent Lake Cutoff, W of Crescent.

2408 - 36 - 1500

## 4. MATERIALS CONSIDERED

All evidence submitted by the applicant and located in the Staff Report was considered as was the oral testimony given at the hearings on this matter.

## 5. FINDINGS

The Hearings officer FINDS AS FOLLOWS:

- a. That the applicant and the Crescent Fire Protection District have reached an accommodation and that the applicant will be providing fire protection, at least on an initial basis, via a pond system, therefore item "b" has been met.
- b. That the applicant has water resources available.
- c. That the applicant may choose to provide water via a well and has been notified that surrounding property owners have concerns about the water table being lowered as a result of the applicants well.
- d. That there are concerns about the water table if water is removed for fire protection but that these concerns are more a matter of civil law and are beyond the scope of the remand.
- e. That the restrictions on the hours of travel to and from the facility are necessary.
- f. That the applicant has not applied for a "mushroom buying facility" and no persons shall be staying overnight or camping on the property.

## 6. ORDER

Therefore, it is hereby ordered that the applicants request to build a processing facility is approved subject to the following conditions:

ORDER - 1

- a. That the previous order entered in this case of August 10, 1988 is affirmed except as specifically amended herein.
- b. That the applicant is not required by this department to hook into the Crescent Water Association.
- c. Condition "d" on the August 10, 1988 order is no longer relevant and is eliminated.
- d. Condition "e" on the August 10, 1988 order is amended to read as follows, "That NO development, other than compliance with the forestry plan already in place for the property, occur on the site/property until water is available to the location of any development."
- e. The applicant is permitted, by this agency, to provide water to the property by whatever means it chooses.
- f. Condition "k" is amended to read as follows, "The applicant and its successors in interest shall use all best efforts to restrict the traffic to and from the facility/property such that it occurs from 7:00 a.m. until 10:00 p.m. Whenever possible, the applicant and its successors in interest, shall restrict deliveries and shipments such that they occur between 7:00 a.m. to 10:00 p.m."

Dated this 15<sup>th</sup> day of October, 1998

*Joan Marie Michelson*  
Hearings Officer

### NOTICE OF APPEAL RIGHTS

You are hereby notified this application 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 33.004 of the Klamath County Land Development Code together with the fee required within SEVEN DAYS (7) following the mailing date of this order.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County the 20th day  
of October A.D., 19 98 at 10:35 o'clock A. M., and duly recorded in Vol. M98  
of Deeds on Page 38355

FEE No Fee Return: Commissioners Journal

By Bernetha G. Letsch, County Clerk