

BEFORE THE HEARINGS OFFICER OF KLAMATH COUNTY, OREGON

In the Matter of the application by:
DONOVAN KENDALL

)
) ORDER
) CASE NUMBER CUP 7-99
)

NATURE OF THE REQUEST

The applicants have requested permission to expand an existing mineral extraction site and accessory uses. The applicant has 30 acres but only a small fraction of this land contains the proposed site.

PROPERTY LOCATION

The property is located west of Hwy 97 @ Mile Post 175, just S. of the Deschutes county line and is more particularly describes as per Govt. Lot 3 Sec 18 T 23S R 10E

FINDINGS

The hearings officer finds as follows:

- a. That the applicant will apply and receive approval from DOGAMI for the necessary permits before starting any extraction or work on the site.
- b. That there is proper screening between the site and Hwy 97 provided by the existing trees.
- c. That the applicant has agreed that the trees on the non-extraction portion of the site will not be logged off during the period that the extraction is occurring.
- d. That the extraction and associated activities shall be conducted only on that portion of the property shown and described in the map at 1:200 provided by the applicant in this application.
- e. That the applicant has investigated the need for other permits and agrees to get any which are needed.
- f. The applicant has stated that no blasting will be done.
- g. The applicant states under oath that he will be doing the reclamation procedures as he goes.

ORDER

Therefore, based on the above it is hereby ordered that:

- a. The applicants request to construct a mineral extraction site is approved subject to the conditions stated below.
- b. That only the portion of the property described in the map marked Exhibit C will be used for the extraction site.
- c. That no logging of the remaining acreage shall occur other than necessary thinning during the period of extraction and until the site is completely rehabilitated in accordance with his DOGAMI permit.
- d. That the applicant will not do or permit any extraction activities to occur on the site without a proper DOGAMI permit.

- e. That the applicant will apply for and receive any other required permits before starting extraction.
- f. That applicant will maintain the screening/buffering of the trees during the operations.
- g. That no blasting will be used.
- h. That no portion of the property used for extraction be left in an unreclaimed state for more than 2 years and that native plants and materials be used as much as feasible in the reclamation as per the ODFW.
- i. That the applicant continue to work with ODFW in the reclamation process.

Dated this March 24, 1999

Joan Marie Michelsen
Hearing 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

Filed for record at request of Klamath County the 26th day
of March A.D. 1999 at 11:58 o'clock A. M., and duly recorded in Vol. M99
of Deeds on Page 10717
Return: Commissioners Journal Linda Smith, County Clerk
FEE No Fee by Kestler Rosa