

BEFORE THE HEARINGS OFFICER OF KLAMATH COUNTY, OREGON

In the Matter of the Request for a)
 Conditional Use Permit by:)
)
 Regional Disposal Company)
)
)
)
)
 _____)

Case No.: CUP 35-01

ORDER

1. SUMMARY OF CONDITIONAL USE PERMIT APPLICATION

The applicant has applied for a conditional use permit to establish a "Waste Transfer Station." The "Waste Transfer Station" will be a location where waste will be temporarily collected then loaded on to railcars to be transported to an out-of-county disposal facility.

2. NAMES OF THE PARTICIPANTS:

The Hearings Officer reviewing this application is Matthew T. Parks. The applicant appeared and offered testimony in support of the application. Kim Lundahl represented the Planning Department, and the recording secretary was Karen Berg.

3. LOCATION:

The property is generally located south of Bristol Avenue, and east of the Double C kennel facility. The legal description of the property is T.A. 3909-10CC-101.

4. MATERIALS CONSIDERS:

All materials submitted by the applicant including the CUP Application and binder, site plan map and binder, as well as the Staff Report, all written comments and exhibits submitted and the testimony received at the September 7, 2001 hearing on this matter were considered.

5. FINDINGS:

The Hearings Officer FINDS AS FOLLOWS:

- a. The subject property is zoned Heavy Industrial (IH), therefore, is subject to Article 53.4, and Art 53.430A of the Land Development Code (LDC).
- b. This property is zoned IH the purpose of which is to establish and maintain places where large areas of land are needed for the fabrication, processing, and movement of raw materials and where the potential impacts of noise, odor, vibration, glare and/or heat are least likely to affect adjacent land uses.

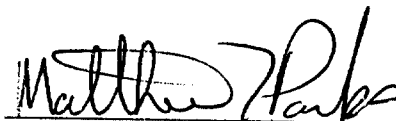
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- c. The proposed use by this application is not a **Permitted Use** under Art. 53.420 but may be permitted as a **Conditional Use** under Art. 53.430A (Extensive Impact Services And Utilities) subject to the standards listed in Art. 53.4 and Art. 44.
- d. The proposed use does comply with the policies of the Comprehensive Plan.
- e. The size and operation of the proposed use has the potential to impact adjacent land uses because of noise, odor, vibration, glare and/or heat. It cannot be determined that the subject property is a location where the use would be least likely to affect adjacent land uses.
- f. The applicant has not demonstrated that the location, design and operation characteristics of the proposed use will not have a significant adverse impact on the livability, value or appropriate development of abutting properties and the surrounding area.

6. ORDER:

Therefore, it is hereby ordered as follows that the applicant's Conditional Use Permit Application to permit the use of the subject property for a 'Waste Transfer Station', is **DENIED**.

DATED OCTOBER 12, 2001.



Matthew T. Parks
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 33.004 of the Klamath County Land Development Code, together with the fee required, **within seven (7) days** of the mailing of this Order. Failure to file a Notice of Appeal within the time allowed will result in loss of your right to appeal this decision.

State of Oregon, County of Klamath
Recorded 10/18/01 at 8:27a m.
In Vol. M01 Page 52961
Linda Smith,
County Clerk Fee\$ NC