

BOARD OF COUNTY COMMISSIONERS

KLAMATH COUNTY, OREGON

IN THE MATTER OF THE APPLICATION)
FOR COMPREHENSIVE LAND USE PLAN)
CHANGE AND ZONE CHANGE NO. 79-5,)
CIRCLE FIVE RANCH)

O R D E R

THIS MATTER having come on for hearing upon the application of Circle Five Ranch for a Comprehensive Land Use Plan change from Heavy Industrial to Agriculture and a zone change from SP-12 (Quarry) to SP-17 (Feedlot), by the Klamath County Planning Commission, on real property described as Township 41, Range 11, Section 2. Public hearings having been heard by the Klamath County Planning Commission on March 27, 1979, wherefrom the testimony, reports, and information produced at the hearing by the applicant, members of the Planning Department Staff and other persons in attendance, the Planning Commission recommended approval to the Board of County Commissioners. Following action by the Planning Commission, a public hearing before the Board of County Commissioners was regularly held on May 7, 1979, wherefrom the testimony at said hearing it appeared that the record below was accurate and complete and it appears from the testimony, reports, and exhibits introduced at the hearing before the Planning Commission that the application for a change of Comprehensive Land Use Plan and zone change for the subject property, would be decided within 35 days.

The Board of County Commissioners makes the following Findings of Fact and Conclusions of Law as required by Ordinance No. 17, the Klamath County Zoning Ordinance:

FINDINGS OF FACT FOR COMPREHENSIVE LAND USE PLAN
CHANGE

1 1. The Board of Commissioners found that the existing
2 Comprehensive Land Use Plan and zoning classifications are already
3 Agriculture and Agriculture Forestry.

4 2. The Board of Commissioners found that to the north
5 of site as well as south of site there are feedlots existing.

6 3. The Board of Commissioners found that the proposed
7 change met the Property Development Standards of the Comprehensive
8 Land Use Plan and SP-17 (Feedlot) zone.

9 4. The Board of Commissioners found site for change
10 in Comprehensive Land Use Plan and zone had adequate access and
11 that the proposed use won't have a negative affect on traffic.

12 5. The Board of Commissioners found that the effect
13 of the change on the surrounding properties that was brought up
14 is that there may be some problem with drainage as far as pollu-
15 tion to the neighboring wells or the potato cellar across the
16 road; and the Board of County Commissioners feels that this is
17 out of their jurisdiction and is properly in the jurisdiction of
18 the Department of Environmental Quality and other governing
19 agencies. The Board of Commissioners only concern is the Compre-
20 hensive Land Use Plan change, and the feedlot itself is in confor-
21 mance with that change.

22 6. The Board of Commissioners found that there are
23 other feedlots there; and, therefore, would appear to be the
24 trend.

25 7. The Board of Commissioners found, per testimony
26 from applicant that there is a need for a feedlot in the agri-
27 culture industry.

28 8. The Board of Commissioners found that L.C.D.C.

1 Goal No. 1, Citizen Involvement, had been addressed in that the
2 Malin Area Committee and Merrill Area Committee had been notified,
3 and also the surrounding property owners had been notified. The
4 record indicates that there was input from them.

5 9. The Board of Commissioners found that the propos-
6 ed change in Comprehensive Land Use Plan and zone would be in
7 conformance with surrounding land uses, thus addressing L.C.D.C.
8 Goal No. 2, Land Use Planning.

9 10. The Board of Commissioners found that the proposed
10 change in Comprehensive Land Use Plan and zone would not be
11 negligible to the Agriculture Goal, being L.C.D.C. Goal No. 3,
12 in that the use is economically feasible and the suitability of
13 the ground is right for the use.

14 11. The Board of Commissioners found that there is
15 obviously an odor from the type of feed applicant is proposing
16 to use, being potato pulp; but from opponent's sample, being
17 Klamath County Exhibit 26, the odor doesn't smell any worse than
18 a feedlot which already exists, thus addressing the Air portion
19 of L.C.D.C. Goal No. 6, Air, Water, and Land Resources.

20 12. The Board of Commissioners found per testimony
21 that applicant has provided water to site from a neighboring
22 property owner, thus addressing the water portion of L.C.D.C.
23 Goal No. 6, Air, Water, and Land Resources.

24 13. The Board of Commissioners also found per testi-
25 mony that drainage will be taken care of by applicant, by utiliz-
26 ing a sump pump and pumped away from property.

27 14. The Board of Commissioners found that the change
28 provides an essential use to the cattle industry, thus addressing

1 L.C.D.C. Goal No. 9, Economy of the State.

2 15. The Board of Commissioners found that the proposed
3 use would have no negligible effect on traffic problems and that
4 access appeared to be adequate.

5 16. The Board of Commissioners found that the site
6 for change in Comprehensive Land Use Plan and zone would provide
7 a shorter haul distance for the material, thus addressing L.C.D.C.
8 Goal No. 13, Energy Conservation.

9 17. The Board of Commissioners found that in order for
10 applicant to not have the potential problem of ground contamina-
11 tion that applicant will have to line pits with approved sealer
12 and approved by the Department of Environmental Quality.

13 CONCLUSIONS OF LAW FOR COMPREHENSIVE LAND USE PLAN
14 CHANGE:

15 1. The property affected by the Comprehensive Land
16 Use Plan change is adequate in size and shape to facilitate those
17 uses normally allowed in conjunction with such zoning.

18 2. The property affected by the proposed Comprehensive
19 Land Use Plan change is properly related to streets and highways
20 to adequately serve the type of traffic generated by such uses
21 that may be permitted therein.

22 3. The proposed Comprehensive Land Use Plan change
23 will have no adverse effect or only limited adverse effect on any
24 property or the permitted uses thereof within the affected area.

25 4. That the proposed Comprehensive Land Use Plan
26 change is in keeping with any land use plans duly adopted and
27 does, in effect, represent the highest, best and most appropriate
28 use of the land affected.

1 5. That the proposed Comprehensive Land Use Plan
2 change is in keeping with land uses and improvements, trends in
3 land development, density of land development, and prospective
4 needs for development in the affected area.

5 FINDINGS OF FACT FOR ZONE CHANGE:

6 1. The Board of Commissioners found that the existing
7 Comprehensive Land Use Plan and zoning classifications are already
8 Agriculture and Agriculture.

9 2. The Board of Commissioners found that to the north
10 of site as well as south of site there are feedlots existing.

11 3. The Board of Commissioners found that the proposed
12 change met the Property Development Standards of the Comprehen-
13 sive Land Use Plan and SP-17 (Feedlot) zone.

14 4. The Board of Commissioners found site for change
15 in Comprehensive Land Use Plan and zone had adequate access and
16 that the proposed use won't have a negative affect on traffic.

17 5. The Board of Commissioners found that the effect
18 of the change on the surrounding properties that was brought up
19 is that there may be some problem with drainage as far as pollu-
20 tion to the neighboring wells or the potato cellar across the
21 road; and the Board of County Commissioners feels that this is
22 out of their jurisdiction and is properly in the jurisdiction of
23 the Department of Environmental Quality and other governing
24 agencies. The Board of Commissioners only concern is the Compre-
25 hensive Land Use Plan change, and the feedlot itself is in confor-
26 mance with that change.

27 6. The Board of Commissioners found that there are
28 other feedlots there; and, therefore, would appear to be the

1 trend.

2 7. The Board of Commissioners found, per testimony
3 from applicant that there is a need for a feedlot in the agri-
4 culture industry.

5 8. The Board of Commissioners found that L.C.D.C.
6 Goal No. 1, Citizen Involvement, had been addressed in that the
7 Malin Area Committee and Merrill Area Committee had been notified,
8 and also the surrounding property owners had been notified. The
9 record indicates that there was input from them.

10 9. The Board of Commissioners found that the propos-
11 ed change in Comprehensive Land Use Plan and zone would be in
12 conformance with surrounding land uses, thus addressing L.C.D.C.
13 Goal No. 2, Land Use Planning.

14 10. The Board of Commissioners found that the proposed
15 change in Comprehensive Land Use Plan and zone would not be negli-
16 gible to the Agriculture Goal, being L.C.D.C. Goal No. 3, in that
17 the use is economically feasible and the suitability of the ground
18 is right for the use.

19 11. The Board of Commissioners found that there is
20 obviously an odor from the type of feed applicant is proposing to
21 use, being potato pulp; but from the opponent's sample, being
22 Klamath County Exhibit 26, the odor doesn't smell any worse than
23 a feedlot which already exists, thus addressing the Air portion
24 of L.C.D.C. Goal No. 6, Air, Water, and Land Resources.

25 12. The Board of Commissioners found per testimony
26 that applicant has provided water to site from a neighboring
27 property owner, thus addressing the water portion of L.C.D.C.
28 Goal No. 6, Air, Water, and Land Resources.

1 13. The Board of Commissioners also found per testi-
2 mony that drainage will be taken care of by applicant, by utiliz-
3 ing a sump pump and pumped away from property.

4 14. The Board of Commissioners found that the change
5 provides an essential use to the cattle industry, thus addressing
6 L.C.D.C. Goal No. 9, Economy of the State.

7 15. The Board of Commissioners found that the propos-
8 ed use would have no negligible effect on traffic problems and
9 that access appeared to be adequate.

10 16. The Board of Commissioners found that the site
11 for change in Comprehensive Land Use Plan and zone would provide
12 a shorter haul distance for the material, thus addressing L.C.D.C.
13 Goal No. 13, Energy Conservation

14 17. The Board of Commissioners found that in order
15 for applicant to not have the potential problem of ground contam-
16 ination that applicant will have to line pits with approved sealer
17 and approved by the Department of Environmental Quality.

18 CONCLUSIONS OF LAW FOR ZONE CHANGE:

19 1. The property affected by the change of zone is
20 adequate in size and shape to facilitate those uses normally
21 allowed in conjunction with such zoning.

22 2. The property affected by the proposed change of
23 zone is properly related to streets and highways to adequately
24 serve the type of traffic generated by such uses that may be
25 permitted therein.

26 3. That the proposed change of zone will have no
27 adverse effect or only limited adverse effect on any property
28 or the permitted uses thereof within the affected area.

1 4. The proposed change of zone is in keeping with
 2 any land use plans duly adopted and does, in effect, represent
 3 the highest, best, and most appropriate use of the land affected.

4 5. That the proposed change of zone is in keeping
 5 with land uses and improvements, trends in land development,
 6 density of land development, and prospective needs for development
 7 in the affected area.

8 NOW, THEREFORE, it is hereby ordered that the appli-
 9 cation for the Comprehensive Land Use Plan change from Heavy
 10 Industrial to Agriculture and zone change from SP-12 (Quarry) to
 11 SP-17 (Feedlot) for Circle Five Ranch is hereby granted.

12 DONE AND DATED THIS 12th DAY OF June 1979.

13
 14 Chairman

15 Alvin A. Chynce
 16 Member

17 Neil Kuonin
 18 Member
 19
 20
 21

22 APPROVED AS TO FORM:
 23 Boivin, Boivin, & Aspell

24 By: Robert D. Sturm
 25

STATE OF OREGON; COUNTY OF KLAMATH; ss.

I hereby certify that the within instrument was received and filed for record on the 14th day of
June, A.D., 19 79 at 2:13 o'clock A.M., and duly recorded in Vol. 1179,
 of Deeds on Page 14013.

FEE None

WM. D. MILNE, County Clerk

By Bernice A. Letsch Deputy