

BEFORE THE HEARINGS OFFICER
FOR KLAMATH COUNTY, OREGON

In the Matter of a) NO. 31-83
CONDITIONAL USE PERMIT) FINDINGS OF FACT, DECISION
for) AND ORDER
KLAMATH STUDS, INC.)

THIS MATTER came on for a hearing before the Klamath County Assistant Hearings Officer, JAMES R. UERLINGS, on November 17, 1983, at 1:30 p.m. in the Klamath County Commissioners' Hearing Room. The hearing was held pursuant to notice given in conformity with the Klamath County Development Code and related ordinances. The Planning Department was represented by Jonathan Chudnoff. The applicant was represented by Mr. Ben Glanville, President of Klamath Studs, Inc., and Richard Fairclo, Attorney for Klamath Studs, Inc.

The following exhibits were offered, received into evidence and made a part of the record: Exhibits "A" through "I".

The Assistant Hearings Officer, after reviewing the evidence presented, makes the following findings of fact and decision.

FINDINGS OF FACT:

1) The applicant is interested in developing the subject property as a stud mill. The current deed holders to the property are Harold and Phyllis Cole. The applicant desires to construct a wood processing plant and related

FINDINGS OF FACT, DECISION AND ORDER
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1 facilities, storing and wholesaling. The conditional use permit
2 is for a small scale sawmill south of Lenz Siding on the
3 Southern Pacific Railroad. The operation would initially
4 include a sawmill, planer shed and loading shed with outdoor
5 storage of logs and finished lumber. Future additions would
6 include an office, truck scale and drying kilns. According to
7 the applicant, the mill would employ 44 people on site when
8 it reaches full operation. The logs would be brought to the
9 site on trucks using a new road to be built across Crown
10 Zellerbach land to connect with Highway 97, about ¼ mile to
11 the west. Finished lumber and chips would be shipped on the
12 railroad, using the spur to be constructed.

13 2) The applicant originally intended to construct
14 a 300' buffer along the North and South boundary lines but,
15 after consulting with the railroad in construction of the
16 spur facility, the applicant has found it necessary to provide
17 a 1000' wide buffer on the South and no buffer on the North.

18 3) The applicant has spoken with Mr. Lewis, the
19 owner of the property on the North, and Mr. Lewis has no
20 objections to this development without the buffer. Additionally,
21 Mr. Lewis has contacted the Klamath County Planning Department
22 and expressed a similar opinion to them.

23 4) The applicant is greatly experienced in developing
24 these types of lumber operations as Mr. Glanville has designed
25 several in the past, including one within Klamath County. He
26 is well aware of the design criteria necessary to provide adequate

1 fire protection for such a facility.
2

3 5) The area generally consists of 5-20 acre parcels,
4 but there is only one (1) residence within a one (1) mile area
5 of the site.

6 6) The applicant intends to construct the necessary
7 water and sanitary facilities in order to comply with the
8 Oregon Occupational Safety and Health Code.

9 7) The applicant is negotiating an agreement with
10 Crown Zellerbach Company in order to provide the legal access
11 to the property.

12 8) LCDC Goals 4 and 9 would be greatly enhanced
13 by this project. It would allow for local processing of timber
14 and would draw from large resources in the area, as well as
15 produce 44 jobs on site and many more off site jobs as well
16 as add between \$3,000,000 and \$4,000,000 in dollars to State
17 industrial income.

18 9) The applicant intends to maintain on site
19 fire equipment, including a second well for fire fighting
20 hydrants. Additionally, the mill will have additional personnel
21 on duty twenty four (24) hours a day, five (5) days a week,
22 fifty two (52) weeks of the year. Initially, the mill will
23 operate one (1) shift, but may enlarge that to two (2) shifts
24 if it becomes productive.

25 10) This site would be the only site in Klamath County
26 to utilize the type of timber involved in the manufacturing
of the studs. The mill would use 5" to 16" scaled logs.

1 KLAMATH COUNTY DEVELOPMENT CODE CRITERIA:

2 1) Klamath County Development Code Section 44.003 sets
3 forth the criteria for consideration in the application for a
4 conditional use permit:

5 A. That the use is conditionally permitted in
6 the zone in which it is proposed.

7 B. That the location, size, design and operating
8 characteristics of the proposed development will be compatible
9 with, and will not adversely effect, the livability or appro-
10 priate development of abutting properties in the surrounding
11 neighborhood. Consideration shall be given to the harmony in
12 scale, bulk, coverage and density; to harmful effects, if any,
13 upon desirable neighborhood character; to the generation of
14 traffic and the capacity of surrounding streets and to other
15 relevant impact of the development.

16 C. That the location, design and site planning
17 of the proposed development will provide a convenient and
18 functional living, working, shopping or civic environment and
19 will be as attractive as the nature of the use and its location
20 in this setting warrant.

21 2) Klamath County Code Section 44.001 sets forth
22 the general purpose of Article 44, Conditional Use Permit,
23 as follows: The purpose of the Conditional Use Permit is to
24 provide a mechanism whereby uses which may be suitable only in
25 certain locations or only if designed or operated in a parti-
26 cular manner may be allowed within the basic zone designations.

1 3) ORS 197.175 requires all zoning and related ordi-
2 nances adopted by the County be in conformance with the State-
3 wide Planning Goals.

4 KLAMATH COUNTY DEVELOPMENT CODE FINDINGS AND CONCLUSIONS:

5 1) The proposed use has a location, size, design
6 and operating characteristics which are in conformacne with
7 the Klamath County Comprehensive Plan.

8 2) The location, size, design and operating character-
9 istics of the proposed development will be compatible with,
10 and will not adversely effect, the livability or the appropriate
11 development of abutting properties and the surrounding neighbor-
12 hood.

13 3) The proposed use will be in harmony in scale, bulk,
14 coverage and density with the existing uses. No harmful effects
15 will be made upon the desirable neighborhood character. No
16 additional generation of traffic beyond the capacity of the
17 surrounding streets will be created.

18 4) The location, design and site planning of the
19 proposed development will provide for a convenient and functional
20 living, working, shopping and civic environment and will be as
21 attractive as the nature of the use and its location in this
22 setting warrant.

23 5) See Findings of Fact 1-10.

24 6) The following conditions are deemed necessary
25 in order to protect the health, safety and welfare of the
26 citizens of Klamath County:

1 A. That the applicant provide the Planning Depart-
2 ment with a copy of the easement and road agreement with
3 Crown Zellerbach as evidence of legal access to the property.
4 This Conditional Use Permit will not be effective until this
5 document is on file.

6 B. That the applicant shall provide necessary
7 water and sanitary facilities as required by the Oregon
8 Occupational Safety and Health Code. A violation of this
9 condition would be cause for revoking the Conditional Use
10 Permit.

11 C. That the applicant shall maintain a 1000'
12 buffer along the South property line, and no tree removal
13 except as needed for fire safety.

14 STATE-WIDE PLANNING GOALS AND CRITERIA:

15 See Exhibit "AA" attached hereto and incorporated
16 by this reference.

17 CONCLUSIONS OF LAW AND DECISION:

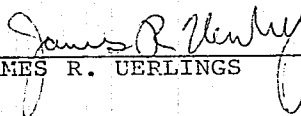
18 1) This request for a conditional use permit on the
19 subject property meets all the applicable Klamath County
20 Development Code criteria and policies governing such.

21 2) This conditional use permit is specifically
22 conditioned upon those conditions as set forth in the Klamath
23 County Development Code Findings and Conclusions section above.

24 3) This request for a conditional use permit is con-
25 sistent with, and complies with, all applicable State-wide
26 Planning Goals and review criteria.

1 THEREFORE, it is hereby ordered that the request by
2 the applicant for this Conditional Use Permit on the subject
3 property described herein is hereby granted, subject to the
4 conditions as set forth above.

5 DATED this 23 day of November, 1983.

6
7
8 
9 JAMES R. UERLINGS

COMPREHENSIVE PLAN POLICIES AND STATE
LAND USE GOALS 1 - 14

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GOAL NO. 1 - Citizen Involvement

- ☒ Complies ☐ Does not Comply
☐ Complies with conditions
☐ Not applicable

Relevant Policies:

1. "The County shall provide for continued citizen involvement opportunities."

State Goal Issues:

A public hearing on this matter has been set for November 17, 1983. Notice has been sent to surrounding property owners and concerned public agencies and published in the Herald and News.

GOAL NO. 2 - Land Use Planning

- ☐ Complies ☐ Does not comply
☒ Complies with conditions
☐ Not applicable

Relevant Policies:

State Goal Issues:

The area is zoned for forestry use, with the primary processing of forest products being conditionally permitted. A determination must be made of the compatibility of the proposed mill with surrounding properties.

Article 46
Major/Minor Partition
Section 46.003 Review Criteria

	Complies	Does not Comply	N.A.
A -	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B -	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C -	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D -	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
E -	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
F -	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
G -	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
H -	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I -	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J -	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
K -	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
L -	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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GOAL NO. 3 - Agricultural Lands

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- ☐ Complies ☐ Does not Comply
☐ Complies with conditions
☒ Not applicable

Relevant Policies:

State Goal Issues:

The property has soils in capability class VI, but it is covered with trees and has not been used for grazing or agriculture. The nearest agricultural area is the Klamath Marsh, about 3/4 mile to the east. The proposed mill would not affect the grazing there.

GOAL NO. 4 - Forest Lands

- ☒ Complies ☐ Does not Comply
☐ Complies with conditions
☐ Not applicable

Relevant Policies:

6. "The County shall allow for the processing of forest products in forest areas."

State Goal Issues:

The definition of forest uses under Goal 4 includes "the processing of forest products." The proposed mill would be using timber from surrounding private and public land and would provide an outlet for the marketing of lodgepole pine, considered to be an under-utilized species by the Forest Service.