

BEFORE THE HEARINGS OFFICER OF KLAMATH COUNTY, OREGON

In the Matter of the Request)
for a Conditional Use Permit)
for SNOWY BUTTE FOODS, Inc.)

C.U.P. 42-88
FINDINGS OF FACT, CONCLUSIONS
OF LAW AND ORDER

This matter came before Hearings Officer William M. Ganong on November 17, 1988 in the Klamath County Commissioner's Hearing Room. The Hearing was held pursuant to the Notice given in conformity with the Klamath County Land Development Code and related ordinances. Snowy Butte Foods, Inc. was represented by Attorney William P. Brandsness. The Klamath County Planning Department was represented by J. Kim Lundahl and the Recording Secretary was Karen Burg. The Klamath County Planning Department file and all contents thereof were incorporated in the record as evidence. The County Hearings Officer, after reviewing the evidence presented, makes the following Findings of Fact, Conclusions of Law and Decision:

FINDINGS OF FACT:

1. The Applicant has applied for a Conditional Use Permit to construct and operate a rendering plant in conjunction with the Applicant's existing slaughter and meat packing facility. The property is located west of Tingley Lane and south of the Southside Bypass in Klamath County, Oregon and is Klamath County Tax Assessor Lots 3909-1700-700, 800 & 900. The property is zoned IH, heavy industrial, and contains approximately 42 acres.
2. The Hearings Officer viewed the subject property with the Planning Department Staff following the public hearing on this request.
3. The existing facilities include livestock holding pens, a slaughter floor, meat processing facilities, shipping facilities and a business office. The site has its own sewage treatment system which is comprised of a three

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lagoon system. The sewage system is licensed by and monitored by the Oregon Department of Environmental Quality.

4. The applicant plans to construct a new building to house the rendering equipment. The rendering plant will process the fresh waste from the Snowy Butte meat packing plant and fresh animal by products from local butcher shops and stores. The facility will not process any dead animal carcasses. The plant will not produce any additional waste water and all processing will occur inside the building.

5. Several adjoining property owners and nearby residents object to the subject request. The opponents are concerned that the plant will produce objectionable odors. They are also concerned that the stigma of being located near the plant will devalue their property.

6. The surrounding land is zoned EFU-C. The existing packing plant was in existence prior to the construction of the adjacent houses.

7. Much of the concern of adjacent land owners is based on the odor generated by the existing rendering plant located approximately one mile north of the subject property. Said existing plant is odorous because it accepts dead and decomposing animal carcasses and because it does not have modern environmental treatment equipment.

While the proposed facility will replace the existing facility, it will not handle dead-decaying carcasses and it will have state of the art processing equipment.

8. The Applicant's written testimony is that the proposed plant will have virtually no offensive odors. The replacement of the existing delapidated building by a new, modern facility will actually make the subject property more attractive.

9. We are sympathetic to the concerns of the adjoining property owners. However, there is no substantial evidence in the record which counters the Applicant's testimony. We believe that the addition of the proposed rendering facility will have no significant adverse effect on the use of adjoining and nearby property.

KLAMATH COUNTY LAND DEVELOPMENT CODE CRITERIA

Land Development Code Section 51.016 (B) provides that animal waste processing is conditionally allowed in the IH zone. Section 44.003 sets forth the criteria which the review authority must address when considering a Conditional Use Permit.

KLAMATH COUNTY LAND USE GOALS AND POLICIES COMPLIANCE

The Goals and Policy Findings on the Klamath County Planning Department Staff Report are hereby adopted and incorporated herein by this reference.

KLAMATH COUNTY CODE FINDINGS OF FACT AND CONCLUSIONS

The Hearings Officer makes the following Findings and Conclusions pursuant to the review criteria for a conditional use permit:

1. The proposed use is conditionally permitted in the IH-Heavy Industrial zone. In fact the Applicant could make a strong argument that the proposed use is a "heavy industrial" use and is allowed in the heavy Industrial zone without the requirement of any land use permit, other than a building permit.
2. The location, size, design and operating characteristics of the proposed use are in conformance with the Klamath County Comprehensive plan. The subject property is surrounded by land zoned for agricultural uses. The proposed use is fairly innocuous when compared to other heavy industrial uses allowed out right on the property such as pulp plants and petroleum processing

plants. The proposed use is an efficient and sensible use of the land and compliments the existing use of the land.

3. The location, size, design and operating characteristics of the proposed use will not have significant adverse effects on the appropriate development and use of abutting properties. The abutting properties are zone for exclusive farm use. It is questionable whether or not the residential use of the abutting property is an appropriate use of said property. The processing of agricultural products on the subject property is appropriate for the area in which it is located. The subject property is served by its own self contained sewage system. The subject facilities are subject to regulation, inspection and licensing by several agencies.

The proposed, fully enclosed, rendering plant will have virtually no odor or other adverse environmental impact. If the Applicant's testimony is accurate, existence of the new building will be the only evidence that the rendering operation exists.

There is simply no evidence in the record which supports the concerns expressed by the neighboring land owners.

ORDER

The application of Snowy Butte Foods, Inc. for a conditional use permit to construct and operate a rendering plant in conjunction with its existing packing plant is hereby granted, subject to the following conditions:

1. The proposed rendering plant shall be constructed and operated so that virtually no odor escapes the subject property;
2. The proposed plant shall be constructed and operated so that there is no substantial increase in the amount of waste water by the total Snowy Butte

Foods, Inc. operations and so that there is no decrease in the quality of the water entering the evaporation pond located on the subject property;

3. No signs shall be erected and maintained on or near the subject property which specifically denote the presence of the rendering facility; and

4. The Applicant and operator(s) shall comply fully with all regulations, rules, licenses, permits, ordinances and laws of all relevant governmental authorities.

DATED this 30th day of November, 1988.

William M. Ganong
William M. Ganong
Hearings Officer

Klamath County Land Development Code Section 24.007 provides:

"An Order of the Hearings Officer shall be final unless appealed within ten (10) days of its mailing by a party having standing in accordance with the procedures set forth in Chapter 3, Article 33 of the Code."

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County Clerk
of Dec. A.D. 19 88 at 11:39 o'clock A.M. and duly recorded in Vol. M88 the 6th day
of Deeds on Page 20685

FEE none

Return: Commissioners Journal

Evelyn Biehn
By Pauline Mullendore County Clerk