

BEFORE THE PLANNING COMMISSION
KLAMATH COUNTY, OREGON

IN THE MATTER OF C.U.P. 30-89 FOR
SOUTHERN OREGON TALLOW CO. TO LOCATE A
TRANSFER STATION IN THE EFU-C ZONE

ORDER

1. NATURE OF THE REQUEST:

The applicant wishes to establish a transfer station for the collection of dead animals and animal by-products on 20 acres south of Klamath Falls.

The request was heard by the Planning Commission August 22, 1989 pursuant to Ordinances 44 and 45. The request was reviewed for conformance with Land Development Code Section 51.017 C.

2. NAMES OF THOSE WHO PARTICIPATED:

The applicant, represented by Steve Zamsky, Attorney at Law, appeared and offered testimony in support of this application. The Planning Department was represented by Kim Lundahl, Senior Planner. The recording secretary was Karen Burg, Administrative Secretary. Legal assistance was given by Michael L. Spencer, County Counsel. Those who spoke in favor of this application were Bob Assall. Appearing in opposition were numerous property owners. Members of the Planning Commission who attended this hearing were: Susan Crismon, John Browning, Bob Brackett, John Kite, Doug Everett, Hal Pearce Don McCasland and Ed Livingston.

3. LEGAL DESCRIPTION:

The subject property is located in the SW 1/4 of Section 21, Township 39 south, Range 9 east, W.M.. The tax account number

of the property is T.A. 3909-21-1600 and is located east of Tingley Lane, north of the intersection with Miller Island Rd..

4. RELEVANT FACTS:

The property is in the Agricultural plan designation with an implementing zone of EFU-C. The property is 19.97 acres in size and is under farm use tax deferral. Staff photos indicate the property is level with a P. P. & L. transmission line transecting the site.

5. FINDINGS:

All evidence submitted as the staff report, exhibits b-ff, and offered testimony show the the approval criteria as set out in the code has not been satisfied. The Planning Commission finds this application does not conform with the criteria set out in L.D.C. section 51.017 C as follows:

- A. The application does interfere seriously with accepted farming practices on adjacent lands.
- B. The project is not located upon land generally unsuitable for farm use as defined by the Code, considering parcel size, the terrain, vegetation, drainage, adverse soil conditions, flooding and location.
- C. The proposed use will be located upon soils classified predominantly as I-IV.
- D. The access is not designed so as not to interfere with accepted farm practices on surrounding land.
- E. The project does not comply with the review criteria set out in L.D.C. section 44.003 as follows:

1. The use is conditionally permitted in the zone in which it is proposed to be located, because; The use is classified as the storage of agricultural products and is a conditionally permitted use per L.D.C. section 51.017 C 14.

2. That the location, size, design, and operating characteristics of the proposed development are not in conformance with the Klamath County Comprehensive Plan, because; Testimony offered indicates the proposed use will conflict with the current land uses in the area.

3. That the location, size design and operating characteristics of the proposed development will not be compatible with and will have significant adverse impacts on the use of abutting properties and the surrounding neighborhood, because; The Commission finds the operating characteristics of a dead animal transfer station will conflict with the established land uses.

6. ORDER:

Therefore, it is ordered the request of Southern Oregon Tallow Co. for approval of C.U.P. 30-89 is denied.

DATED this // ^{Sept} day of ~~August~~, 1989

Presiding Officer of the Planning Commission

Susan A. Cusmon

Secretary to the Planning Commission

Carl Shuck

Approved as to form and content

Michael L. Spencer

Michael L. Spencer, County Counsel

NOTICE OF APPEAL RIGHTS

You are hereby notified that this decision may be appealed to the Klamath County Board of Commissioners by filing with the Planning Department a Notice Of Appeal as set out in section 33.004 of the Code, together with the required fee within ten days of the date of mailing of this decision. The notice must be received by the Planning Department no later than 5:00 P.M. on the tenth day or next business day if the tenth day falls on a weekend or holiday. Failure to file a notice of appeal within the time provided will result in the loss of your right to appeal this decision.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County
of Sept. A.D., 19 89 at 8:51 o'clock PM., and duly recorded in Vol. M89
of Deeds on Page 17208.

FEE none

Evelyn Biehn County Clerk

By Pauline Mueller

Return: Commissioners Journal