

BEFORE THE HEARINGS OFFICER
KLAMATH COUNTY, OREGON

IN THE MATTER OF CUP 3-90 FOR MALIN GRAIN
AND FEED TO EXPAND A AGRICULTURAL SUPPORT FACILITY ORDER

1. NATURE OF THE REQUEST:

The applicant wishes to expand a facility for the packing, processing, wholesaling, storage, and distribution of Agricultural Products.

This request was heard by the Hearings Officer March 9, 1990 pursuant to Ordinances 44 of the Land Development Code. The request was reviewed for conformity with Land Development Code Section 51.017 C and O.R.S. 215.243.

2. NAMES OF THOSE WHO PARTICIPATED:

The Hearings Officer in review of this application was Richard C. Whitlock.

The applicant appeared, through its General Manager, and offered testimony in support of the application.

The Planning Department was represented by Kim Lundahl, Senior Planner. The recording secretary was Karen Burg.

3. LEGAL DESCRIPTION:

The property under consideration is 3.79 acres in size, located in the Southeast 1/4 of the Southwest 1/4, Section 16, Township 41 S, Range 12 E W.M.. Generally located south of Depot Rd., east of the Burlington Northern R. R., southwest of Malin. T.A. 4112-16CD-200.

4. RELEVANT FACTS:

A. The property was legally created prior to the adoption of the current Land Development Code.

B. Size of parcel: 3.79 acres.

Size of proposed Nonfarm parcel: 3.79 acres.

Size of Remainder: 0

C. Farm Assessment/Deferral

The subject parcel is not assessed as farmland.

D. Property Owner: Ray & Lois Rollins (in escrow to applicant)

E. Present Land Use: Large lot rural-residential

F. Number of Dwellings: 1

G. Site Soils: S.C.S. L.C.C. Class III, Poe loamy fine sand.

H. Topography: Level

I. Surrounding Land Use:

North-Potato packing and storage;

South-Cattle feedlot;

East-Sewer Ponds;

West-Grain Storage and Processing (Applicant);

The nearest agricultural use is approximately 1500' to the North.

J. Compatibility with Lands within 1/2 mile radius:

1. Range of parcel sizes: 0.36 acres to 117.34 acres.

2. Overall Land Use Pattern: Ag and/or Ag related (i.e. animal or crop processing).

K. Fire Protection: Mallin F.D. approximately 0.6 miles away with a response time of 7 minutes.

L. Access: Depot Rd.

5. FINDINGS:

All evidence submitted as the staff report, exhibits b & c, and offered testimony show that the approval criteria as set out in Code section 51.017 C has been satisfied. The Hearings Officer finds this application;

1. Does not interfere seriously with accepted farming practices on adjacent lands devoted to farm use because:

The proposed use will not interfere as most parcels in the immediate area are not devoted to commercial farm use. The Hearings Officer finds the proposed use is surrounded by existing uses of a similar nature and parcel size to that proposed by the applicant. The Hearings Officer further finds that

the proposed use will enhance area commercial agricultural uses.

2. Is situated upon generally unsuitable land for the production of farm crops and livestock, because:

The proposed ag-support use would be located on a parcel 3.79 acres in size.

The Hearings Officer finds this parcel size unsuitable for commercial agricultural use due to its small size. The Hearings Officer finds the proposed use, agricultural support facility, will be a benefit to the Agricultural land bases for Klamath County and the State of Oregon.

3. The access will not interfere with accepted farm practices on surrounding land because;

The access is existing and does not traverse or border commercial agricultural use.

6. ORDER:

Therefore, it is ordered the request of Malin Grain and Feed for C.U.P. 3-90 is approved subject to the following condition:

1. The Conditional Use Permit shall not be final nor shall a building permit for a non-farm use be issued under this order until the applicant provides the Planning Department with evidence that the lot or parcel upon which the use is proposed to be located has been disqualified for valuation at true cash value for farm use and that any additional tax or penalty imposed by the County Assessor has been paid.

DATED this 18th day of March, 1990

Richard C. Whitlock

Richard C. Whitlock, Hearings Officer

NOTICE OF APPEAL RIGHTS

You are hereby notified that this application 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 ten days of the date of mailing of this decision.

CUP 3-90 Malin Grain & Feed -3-
STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County the 20th day
of March A.D., 19 90 at 4:27 o'clock P.M., and duly recorded in Vol. M90
of Deeds on Page 5158.

FEE none

Evelyn Biehn, County Clerk

By Pauline Mullendore

Return: Commissioners Journal