

BEFORE THE BOARD OF COMMISSIONERS  
KLAMATH COUNTY OREGON

In the Matter of the Appeal  
of the Conditional Use Permit  
for Bernard L. Simonsen

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CUP No. 78-92  
  
ORDER

**I. NATURE OF THE APPEAL:**

The application for a Conditional Use Permit by Bernard L. Simonsen to establish a livestock sales facility was heard by the Hearings Officer on November 6, 1992 and February 5, 1993 and on February 19, 1993 an Order denying the request was entered by the Hearings Officer. The Applicant filed an appeal of the Order on March 1, 1993. The Board of Commissioners heard the appeal on April 8, 1993 and entered an Order on April 19, 1993 remanding the matter to the Hearings Officer for further consideration. The Hearings Officer held further hearings on May 14, 1993 and entered his Order granting the Conditional Use Permit on May 25, 1993. The Order of the Hearings Officer was appealed by Michael L. Spencer representing Clyde Collins and Golf Resources, Inc. to the Board of Commissioners of Klamath County Oregon. The hearing on the appeal was heard on June 30, 1993 before the Board of Commissioners of Klamath County, Oregon. An Order was entered by the Board of Commissioners of Klamath County Oregon on August 24, 1993 granting the Conditional Use Permit. The Order of the Board of Commissioners of Klamath County, Oregon was appealed by Clyde Collins and Golf Resources, Inc. to the Land Use Board of Appeals of the State of Oregon, which issued a Final Opinion and Order on January 14, 1994

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remanding the matter to the Klamath County Board of Commissioners for further review. The hearing on remand was held April 26, 1994 before the Board of Commissioners of Klamath County, Oregon from which this Order issues.

II. NAMES OF THOSE WHO PARTICIPATED:

Commissioners Edwin D. Kentner, Wesley E. Sine and F. Jean Elzner were present. The applicant, Bernard Simonsen, appeared on his own behalf. Kim Lundahl, Klamath County Senior Planner, was present on behalf of Klamath County Planning Department. Rod Davis, Klamath County Counsel, was present. The Recording Secretary was Karen Burg. Neither, Michael L. Spencer, Clyde Collins nor Golf Resources, Inc. appeared.

III. PROPERTY DESCRIPTION AND LOCATION:

The subject property is a 17.6 acre parcel located at 9390 Highway 140 East approximately 1½ miles east of the Highway 39 junction and approximately 5½ miles east of Klamath Falls in Klamath County, Oregon, more particularly described as:

A portion of the Northwest ¼ Southwest ¼, Section 8, Township 39 South, Range 10 East of the Willamette Meridian.

Tax Account No. 3910-8C-500

The subject property is outside of the Urban Growth Boundary.

IV. RELEVANT FACTS AND CRITERIA:

The application of Bernard L. Simonsen was for a Conditional Use Permit to conduct animal sales upon the subject property. The subject property is zoned as EFU-C. The Purpose of the EFU zone is

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set forth in Section 54.010 which provides in part "...the Exclusive Farm Use zones are intended to guarantee the preservation and maintenance of those areas so classified for farm use, free from conflicting non-farm uses and influences." Section 54.010 further states "...Exclusive Farm Use-Cropland zone is applied to agricultural areas characterized by row crop, hay and livestock production in which there is no predominant parcel size." Section 54.030 C. of the Klamath County Land Development Code provides that stockyards and animal sales may be a conditional use of an EFU-C zone. All other abutting property and the surrounding area south of Highway 140 is zoned as EFU-C. The surrounding area on the north of Highway 140 is predominately EFU-C with the exception of several small lots which are zoned as Rural Residential and the Shield Crest Golf Course, which is a non-conforming use in a Rural Residential zone. (The Shield Crest Golf Course was previously zoned as a Planned Unit Development, until that zoning was deleted from the Klamath County Land Development Code. The Klamath County Land Development Code allows golf courses in the Recreational Commercial zone as a permitted use and in the Exclusive Farm Use zone as a conditional use.) The Shield Crest Golf Course is not contiguous to the subject property, but lies across the state highway and to the east of the subject property. The small lots, which are zoned as Rural Residential are not contiguous and lie approximately one-quarter of a mile distant from the subject property. The subject property abuts a state highway and is subject to Section 71.020 C. of the Klamath County Land Development Code.

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The criteria for a conditional use permit in an EFU zone is found in Section 54.040 of the Klamath County Land Development Code. The procedure for the granting of a Conditional Use Permit, but not the criteria, is found in Article 44 of the Klamath County Land Development Code.

The Conditional Use Criteria set forth in Section 54.040 is as follows:

- "A. The use complies with policies of the Comprehensive Plan;
- "B. The use is in conformance with all other required standards and criteria of this code;
- "C. The location, size, design, and operating characteristics of the proposed use will not have a significant adverse impact on the livability, value or appropriate development of abutting properties and the surrounding area;
- "D. The use will not force a significant change in accepted farm or forest practices or surrounding lands devoted to farm or forest use;
- "E. The use will not significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use."

The standards concerning vehicular access and circulation are set forth in Section 71.020 C. of the Klamath County Land Development Code. Highway 140 is a State Highway and access is subject to the permits issued by the State Highway Division.

V. FINDINGS OF FACT:

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The Board has considered the staff reports, the exhibits and the testimony offered in the proceedings before the Hearings Officer and makes the following Findings of Fact:

A. General Findings. The Applicant has made an application for a Conditional Use Permit to hold sales of pure breed registered cattle upon the subject property. The proposal would limit the number of sales to six in one calendar year with a maximum of 100 cattle per sale. The Applicant has a 6800 square foot enclosed facility which adjoins his dwelling house in which to hold the sales. Sales of this nature would be of interest to breeders and not to commercial cattle buyers. Sales of this nature are generally held in high level facilities such as hotel ballrooms, urban convention facilities and family mansions. The sales are conducted with live animals or with videos and television satellite transmissions of the sales activities. Social events for the participating breeders and buyers are often a part of the endeavor.

B. Compliance with the Policies of the Comprehensive Plan. The proposed Conditional Use Permit is not in contravention of any of the policies of the Comprehensive Land Use Plan of Klamath County, Oregon. The stated objective of the Comprehensive Plan concerning Goal 3: Agricultural Lands is "Economically stabilize the agricultural community in Klamath County." The general policy of Goal 3: Agricultural Lands is to preserve agricultural lands. A stated policy of Goal 9: County Economy is "The County shall encourage the development of local markets for local agricultural produce." In order to realize the goals of the Comprehensive Land

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Use Plan of Klamath County, Oregon it is not sufficient to conduct the business of agriculture as our fore-fathers did. It is necessary to conduct the business of agriculture with modern machinery and methods and with enhanced genetics of crops and livestock. The species of livestock can only be improved through livestock shows and the exchange and sale of the breeding herd among the livestock breeders. There now exists cattle auction and sales yards for commercial cattle in Klamath County, however such facilities are not appropriate for the sale of high quality registered cattle for those who are interested in improving the species. The Simonsen facility will encourage local cattlemen to expand to the breeding and raising of registered cattle and will create a local market for the sale of registered cattle. The purchasers of these cattle will be generally from outside of Klamath County and will require motel, restaurant and shopping facilities during their stay in Klamath County.

C. Conformance with Standards and Criteria of Code. The proposed use is not in contravention of any standard or criteria of the Klamath County Land Development Code. The subject property is in a EFU-C zone and the proposed use is allowed as a conditional use in the EFU-C zone. The proposed use is subject to the provisions of Article 71 of the Klamath County Land Development Code concerning access. Highway 140 has a traffic count of 6000 trips per day. The subject property on the peak traffic day of the sale would generate a maximum of 150 trips. The subject property has access to the State Highway at this time, however, with a

change in the use it will be necessary for the Applicant to obtain an access permit from the State Highway Division. The State Highway Division has set forth several alternatives for the Applicant to chose from. The use should be conditioned upon the Applicant obtaining an access permit from the State Highway Division pursuant to Section 71.020 C. of the Klamath County Land Development Code.

D. Significant Adverse Impact. The following Findings are made concerning the lack of significant adverse impact on the livability, value or appropriate development of the abutting properties and the surrounding area:

#### SPECIAL FINDINGS

The following special findings are set forth here and are incorporated and a part of all of the findings hereafter as to the issue of whether the issuance of the Conditional Use Permit would cause a significant adverse impact on the abutting properties and the surrounding area.

*Traffic* The traffic count on Highway 140 East, accessing all of the properties is 6,000 per day. The traffic attributable to the proposed sales is 150 trips per sale, or 600 trips per year for the four sales. The daily traffic count of Shield Crest Golf Course is 200 trips per day or 73,000 trips per year. The traffic would not be higher due to the service vehicles transporting the feed and the animals to and from the subject property, as the present use of the property currently has this same type of service traffic and it is not distinguishable from the service traffic which would be created by the sales facility. The highway traffic

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(150 trips of the daily total of 6,000) is but a 2.5% increase on the date of the sale. The highway generate 6,000 trips per day or 2,190,00 trips per year. Of the total traffic for the year (600 of 2,190,000) less than three one-hundredths of one percent (0.027397%) of the traffic is attributable to the Conditional Use Permit. The increase in traffic is of such an inconsequential percentage that it will have no effect on the surrounding farms, residences or the golf course. There is no significant adverse effect due to the increase in traffic.

The location of the entrance to the proposed sales facility, whether relocated or not, does not have any impact on the golf course. The golf course lies across the highway and to the east of the subject property, and is not contiguous to the subject property. The entrance to the golf course lies 194.16 feet east of the most easterly boundary of the subject property. The Oregon Department of Transportation recommended two accesses to the subject property. One suggested access was on the most westerly portion of the subject property, which is 300 yards west of the entrance to the golf course. The other suggested access was at the intersection of Shield Crest Drive, which is 194.16 feet east of the subject property. The Shield Crest Drive access can not be use in that it does not connect with the subject property nor is the owner willing to sell the property or grant an easement to the Applicant. This evidenced by the testimony of Michael L. Spencer at the hearing on June 30, 1993, wherein he stated:

"The preferred point would be directly across from Shield Crest which is on the Gooding property and the evidence in the

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case is Mr. Gooding is not going to sell an easement to drive on that. That's all the evidence you have. So, the preferred access point across from Shield Crest is not available." (Tr. 16)

The portion of the Land Use Board of Appeals Final Opinion and Order concerning the traffic impact at the Shield Crest Drive intersection was either based upon an artifice received by the Board that the Shield Crest Drive intersection was a viable alternative or upon the Boards own misunderstanding of the record. The clear facts are that the Applicant is not the owner of the property that would benefit from the Shield Crest Drive intersection; the property adjoining the Shield Crest Drive intersection, which consists of 30 acres, is owned by Mr. Gooding; Mr. Gooding has stated under oath that he does not intend to sell the property to the Applicant nor anyone else, and that he does not intend to give an easement to the Applicant; and finally, the Shield Crest Drive intersection is not a viable alternative as access to the subject property for any purpose. The only property that will be across the highway from any access to the subject property will be 39.20 acre parcel that is used as pasture for cattle and it will not be effected by the increased traffic flow of an additional 600 vehicles in a year. The Oregon Department of Transportation and the Klamath County engineer have established safety standards and traffic flow guidelines to be met and the state and county approvals are a requirement of the issuance of this permit. Because of the low traffic totals and the few days of the year the traffic is increased, there is no reason why accessibility to the golf course would be adversely effected by the

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issuance of the permit. There was no evidence presented to indicate the access to the golf course would or could be effected.

In conclusion the increased traffic and the relocation of the entrance do not significantly adversely impact the abutting and surrounding property by adversely effecting safety or accessibility, or create congestion to those properties.

*Applicant's Intended Use* The applicant has represented the property will be used as a first class facility to sell a limited number of pure breed animals. The applicant has represented the intended use and has designed these sales to be the same as are conducted inside first class motels throughout the United States. We find the applicants statements to be credible and reliable. The sales facility is located on the same property as the applicant's residence. The residence is one of the finest residences in Klamath County. The sales facility is attached to the residence. The sales facility is entirely enclosed in a 6800 foot structure. The applicant has a substantial amount of money invested in the residence. The applicant has the most to loose in value and livability to his own property if the operating characteristics of the proposed use are not conducted as the applicant has represented. Further, the applicant's expenditures in the facility and residence requires attraction of wealthy purchasers and breeders for the enterprise to be economically viable. Noise and odor, and unsightly appearances would not be to the benefit of the applicant's endeavor.

The county need not rely on the representations of the

applicant which are not controlled by the conditions placed on the permit to insure there will be no adverse impact. The applicant already has the ability to sell his own animals on the property, pure breed or not. The odor (manure) would not change regardless of the pure breed quality of the animal. The noise level would not be significantly different regardless of the pure breed quality of the animal. Testimony was that the pure breed was less noisy. All other potential adverse impacts that might be different as a result of a use distinct from the applicants representations are controlled and confined by the conditions the county has placed on the permit. The commercial livestock sales yard located in Klamath County operates on a continuing basis, with the capability of selling more cattle in day than the subject property will be allowed to sell in a year under the conditions of the Conditional Use Permit.

A condition to be placed upon the Conditional Use Permit will limit the number of sales to a maximum of four sales per calendar year with no more than one sale per 90 day increment. This condition will prevent the Applicant from conducting any form of a continuing sale and will give the adjoining property owners a three month window of non-sale activities. The intervals will eliminate any form of a continuing sales yard and to generate interest in the scheduled sale the Applicant will by necessity be limited to a market niche.

A condition to be placed upon the Conditional Use Permit will limit the number of animals to no more than 100 at each sale or a

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maximum of 400 cattle per year. If the Applicant chooses to auction canner and cutter cows, the cattle owners would realize a gross auction sale of \$200,000 to \$400,000 in one year which would go to the seller of the cattle. As the sales agent the facility would gross 5% or \$10,000 to \$20,000 per year. This would not cover the costs of the sale and certainly would not cover the costs of the investment. The 100 animals per sale limitation will prevent the abutting properties from being adversely impacted in regard to livability, value or appropriate development in that the Applicant can only be successful if the use of the facility is for the limited sale of high quality breeding cattle to quality buyers. The land area and zoning has the present capacity to graze 25 head and to feed 50 head. The additional animals on four occasions a year will not impact the abutting property which is all zoned and used as agricultural property except for the Shield Crest Golf Course, which has its club house approximately one-half mile from the sales facility and which only has one hole of the course within clear view of the sales facility and no portion of the course within hearing distance of the sales facility. It should be noted that Goodings Poultry Farm is nearer to the golf course than the sales facility.

Additional conditions to be placed upon the Conditional Use Permit will be that no sale animal can be on the premises for more than four days total, the animals must be delivered and removed between the hours of 7:00 a.m. and 7:00 p.m. and the manure must be removed within five days. Since all of the abutting properties are

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pasture lands, except for the golf course and the poultry farm, the smell of cattle is evident in the area. This will be the only property in the area that will be required to remove manure, so that none of the abutting property will smell the manure of the sale cattle on the subject property over the smell of their own cattle and the smell of the poultry farm. The hours of delivery of animals will prevent any inconvenience to the adjoining farms and the neighbor's sleeping animals that could be disturbed by cattle movements in the nighttime hours. The limitation on the number of days the sale cattle may be held is to prevent any over-crowding of the facility which could be detrimental to the abutting property owners.

#### GENERAL FINDINGS

1. Location. The subject property is located outside of the Urban Growth Boundary and is situated on a State Highway east of Klamath Falls, Oregon. The subject property and the surrounding properties are EFU-C except for Shield Crest Golf Course which is a non-conforming use in a Rural Residential zone. Each of the surrounding area parcels except for the Shield Crest Golf Course is utilized for cattle grazing and one parcel is utilized as a poultry farm. The Clyde Collins property (20.98 acres) which abuts on the west currently has 20-25 head of cattle and some horses. The Baker property (approximately 75 acres) abutting on the south currently has 50-75 head of cattle. The Langfelder property (39.2 acres) which abuts across the highway on the north has approximately 25 head of cattle. The Gooding property (80.15 acres) abuts to the

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east is mostly in pasture and runs livestock with the Gooding Poultry Farm occupying an additional 10 acres to the east of the Gooding property. No other properties abut the subject property. The Shield Crest Golf Course, which does not abut the subject property, is across the highway and to the north and east of the subject property with the club house being almost one half mile from the sales facility. The carrying capacity of the Simonsen property without consideration of the Conditional Use Permit would be 20-25 cattle for grazing purposes and 25-50 cattle in a feeding operation. The Applicant owns a 10,000 acre ranch near Bly, Oregon which is approximately 50 miles to the east of the subject property upon which he raises both commercial cattle and registered cattle, which would minimize the transportation cost of moving the registered cattle to the subject property. The high quality sales facility is dependent upon motel, restaurant and shopping facilities, which are located five miles west of the subject property in Klamath Falls.

*Livability* The location of the sales facility amongst the property owners in the general area has no significant adverse impact on the livability of the abutting properties or the adjoining area. The abutting and surrounding property is livestock or poultry related except the golf course. As to the neighboring agricultural property owners, there is no finding of a significant adverse impact on livability caused by odor, sight or noise. The odor, sight and noises of the proposed sales facility are consistent with and not adverse to these properties. The

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Conditional Use is an agricultural use featuring livestock.

The golf course is not significantly adversely impacted by the sight, odor or noise of the sales facility. The sales are limited to four each year, one in each 90 day period. The golf course does not have significant use in the winter months and is often closed depending upon the weather and snowfall. The limitations on the number of animals and the number of days the animals can remain on the property and the cleanup of the manure from the property, confine any adverse impact to an insignificant amount.

The residence and sales facility of the subject property is generally located in the middle of the acreage which creates a buffer for the abutting properties. The residences on the abutting properties are all on large acreage and are situated away from their boundary lines. The residences upon the acreage all use the highway as their main route of ingress and egress. The increase in traffic is of limited volume and duration. The residences are already in an agricultural zone where the raising of livestock and poultry create limited noise and odor. The Conditional use would allow the applicant to place 100 animals on the property four times per year. The applicant without the permit has the ability to have 50 animals on the property all of the time. The number of animals on all of the adjoining properties as well as this property make the limited increase for the limited period of time of little consequence. The use does not have a significant adverse impact on the livability of the abutting properties as they are already dedicated to agricultural uses. The golf course only has one hole

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in clear view of the sales facility, the sales facility is completely enclosed and the activities would be out of sight of any golfer on the seventh hole (the hole nearest to the sales facility). All of the parking and animal pens are on the far side of the facility so as to be screened from any odor or noise that could be generated toward the golf course. An access to the subject property can not be constructed at or near the intersection of Shield Crest Drive.

*Value* The location of the proposed sales facility has no significant adverse impact on the value of the abutting properties and the surrounding area. The property could only be used as a sales facility four times per year. The limited use is consistent with the agricultural tendencies of the area and has no significant adverse impact on the value of the golf course. The size, quality and construction of the dwelling house and the sales facility upon the premises is superior to all others in the area. The facilities, the driveways, landscaping and grounds are appropriately located and well maintained. The proper use of this facility should enhance all of the properties in the area.

*Appropriate Development* The location of the proposed sales facility has no significant adverse impact on the appropriate development of the abutting properties and the surrounding area. The surrounding area is zoned EFU-C. The appropriate development would be agricultural in nature. The Conditional Use Permit would allow a congruous use which would not be adverse.

The location of the proposed use does not have a significant



adverse impact on the livability, value or appropriate development of the abutting properties or the adjoining area.

2. Size and Design. The subject property is 17.6 acres and the structure that would house the sales facility is 6800 square feet. In a continuous feeding operation the property could carry up to 50 head of cattle as a permitted use. The cattle pens would be located to the rear of the sales facility, away from the State Highway and the parking would be to the rear of the sales facility. The sales facility is attached to the dwelling house and is of the same construction and quality as the dwelling house. The dwelling house is one of the finer homes in Klamath County, which would add to the prestige of the sale. The subject property is adequate to hold 100 cattle for short durations. To insure that the size and design of the subject property and sales facility are adequate, a limit of 100 cattle per sale, and a limit of four sales per year with no more than one sale in each 90 day increment should be instituted.

Livability The size and design of the proposed use does not have an adverse impact on the livability of the abutting properties or the adjoining area. The negatives include noise, odor and traffic. The noise is effectively reduced by the limitations set as a condition of the Conditional Use Permit. The odor will also be reduced by the requirement to remove the manure within five days and limit the stay of the livestock. The sales are conducted indoors. The noise and odor should be within acceptable levels and consistent with the agricultural use of the

area.

**Value** The size and design of the proposed use does not have an adverse impact on the value of the abutting properties or the adjoining area. For the reasons set forth in the preceding paragraph, the value of the abutting properties and the adjoining area are not negatively impacted.

**Appropriate Development** The size and design of the proposed use does not have an adverse impact on the appropriate development of the abutting properties or the adjoining area. Again, the appropriate development is agricultural in nature. The proposed high class sales facility of this limited nature is not expected to be adverse to agricultural development and in fact may be an asset in its development.

3. Operating Characteristics. The cattle would be moved upon the property prior to the sale and the maximum number of 100 cattle, that can be held upon the property, can be moved in two loads. The cattle would require a maximum of five tons of hay for feed for each sale, which can be hauled to the property in two pickup loads or one feed truck load. The participating breeder-buyers would most probably be transported from their motels to the subject property and sales facility as an added enhancement to the quality of the sale. The pure bred registered cattle are often transported and displayed and are accustomed to handling, which makes them suitable for sales in hotel ball rooms and quality home facilities.

To insure that the noise of the cattle will be minimized, the

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sale animals should only be delivered and removed from the sale site between the hours of 7:00 A.M. through 7:00 P.M., and the sale animals may not be held more than four days prior to and after the sale.

The sale itself is held indoors in the sales facility. The Simonsen's have a vested interest in seeing that the manure is removed from the sale facility to the Bly ranch due to the proximity of their dwelling house, however, to insure that there will be no odors created by the use, the manure generated by each sale event will be removed within five days following the sale.

**Livability** The operating characteristics of the proposed use do not have an adverse impact on the livability of the abutting properties or the adjoining area. The sales are designed for the least impact on the neighbors. The noise, odor and traffic are of minimum impact and consistent with the use of the neighboring property.

**Value** The operating characteristics of the proposed use do not have an adverse impact on the value of the abutting properties or the adjoining area. For the same reasons the use would not impact the livability, the use does not impact the value of the neighboring properties. No significant negative impact is found as to either residential or commercial use of the neighboring properties.

**Appropriate Development** The operating characteristics of the proposed use do not have an adverse impact on the appropriate development of the abutting properties or the adjoining area. The

operational characteristics are consistent with agriculture and good animal husbandry. The use is consistent with the zoning for the area, the existing uses and the appropriate development of the area.

#### CONCLUSION

No significant adverse impact on the livability, value or appropriate development of the abutting properties and the surrounding area is found. Placement of the conditions upon which this Conditional Use Permit ensure the use will not have significant adverse impact on the neighboring area.

E. Significant Change in Accepted Farm Practices. The surrounding lands, which are devoted to farm use, are used as pasturage for cattle and horses, the raising of alfalfa and a poultry farm. The cattle raised on the surrounding lands are commercial cattle and not registered cattle and therefore will not be subject to inclusion in the sales facility. The commercial sales yard will be unaffected by the establishment of a registered cattle sales facility in that the commercial sales yards do not sell registered cattle on any regular basis and it is unlawful for the commercial sales yards to sell cattle by video or television satellite methods. The support for the maintenance of the registered cattle concerning feed, transportation and removal of manure will be made from the Bly ranch and therefore will not force a significant change in the farming practices of the surrounding lands.

F. Significant Increase in Cost of Accepted Farm Practices.

The surrounding lands devoted to farm use will be unaffected by the proposed use and consequently will not experience an increase in cost of farm practices.

VI. CONCLUSIONS:

A. The proposed use of the subject property, which is zoned as EFU-C, as an animal sales facility is a conditional use of the EFU-C zone.

B. The proposed use complies with the policies of the Comprehensive Land Use Plan of Klamath County.

C. The proposed use is in conformance with all other required standards and criteria of the Klamath County Land Development Code, except the requirements of Article 71, which requirements may be met at a future time and will be a condition of this Order.

D. Subject to the conditions of this Order the location, size, design, and operating characteristics of the proposed use will not have a significant adverse impact on the livability, value or appropriate development of abutting properties and the surrounding area.

E. The proposed use will not force a significant change in accepted farm or forest practices or surrounding lands devoted to farm or forest use.

F. The proposed use will not significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.

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VII. ORDER:

Based upon the findings and conclusions herein Conditional Use Permit No. 78-92 for Bernard L. Simonsen is approved subject to the following conditions:

1. The Applicant comply with the requirements of Klamath County Land Development Code Sections 71.010 and 71.020 C. requiring approval of the State Highway Division for access to Highway 140.
2. There will be no more than one sale in each 90 day time increment with a maximum of four sales per calendar year.
3. There will be no more than 100 animals offered at each sale.
4. Sale cattle will not be held more than a total of four days prior to and after the sale.
5. Sale animals may only be delivered or removed from the sale site between the hours of 7:00 A.M. through 7:00 P.M.
6. Manure generated by each sale event will be removed within five days following the sale.

DATED: Oct 19 , 1994

Edwin D. Kentner  
EDWIN D. KENTNER, Commissioner

DATED: Oct 19 , 1994

Wesley E. Sine  
WESLEY E. SINE, Commissioner

DATED: Oct 19 , 1994

P. Jean Elzner  
P. JEAN ELZNER, Commissioner

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APPROVED AS TO FORM AND CONTENT:

DATED: 10 October, 1994  
ROD DAVIS  
Klamath County Counsel

## NOTICE OF APPEAL RIGHTS

You are hereby notified that this decision may be appealed to the Land Use Board of Appeals within 31 days following the date of the mailing. Contact the Klamath County Planning Department for more information regarding this procedure. Failure to 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 the 21st day  
of Oct A.D., 19 94 at 10:23 o'clock A.M. and duly recorded in Vol. M94  
of Leeds on Page 32730

FEE none

Evelyn Biehn - County Clerk

By Debra M. Henderson

Commissioners Journal