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BEFORE THE HEARINGS OFFICER

Klamath County, Oregon

Vol. 1179

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1  
2 In the Matter of Request for ) Klamath County Planning  
3 Conditional Use Permit No. 79-30 ) FINDINGS OF FACT AND ORDER  
4 for David McMinn, Applicant )

5  
6 A hearing was held in this matter at Klamath Falls,  
7 Oregon, on October 10, 1979, pursuant to notice given in conform-  
8 ity with Ordinance No. 35, Klamath County, before the Klamath  
9 County Hearings Officer, Jim Spindor. The applicant was present.  
10 The Klamath County Planning Department was represented by Jonathan  
11 Chudnoff. The Hearings Reporter was Barbara Thomson.

12 Evidence was presented on behalf of the Department and  
13 on behalf of the applicant. There were fourteen (14) adjacent  
14 property owners in opposition present who stated they had object-  
15 ions to the proposed Conditional Use Permit requested by the  
16 applicant. There were two (2) adjacent property owners present  
17 who stated they were in favor of the proposed Conditional Use  
18 Permit requested by the applicant.

19 The following Exhibits were offered, received and made  
20 a part of the record:

21 Klamath County Exhibit A, the Staff Report  
22 Klamath County Exhibit B, photos of subject property  
23 Klamath County Exhibit C, Klamath County Assessor's Map  
24 of subject property  
25 Klamath County Exhibit D, Letter from H. O. McCann  
26 Klamath County Exhibit E, Letter from Mrs. Allen Hankins  
27 Klamath County Exhibit F, Letter from John Chavarria  
28 Klamath County Exhibit G, Letter from Russell E. and

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Frances Altenburg.

Applicant's Exhibit No. 1, Plot Plan

The hearing was then closed, and based upon the evidence submitted at the hearing, the Hearings Officer made the following Findings of Fact:

FINDINGS OF FACT:

1. The site is not adequate in size and shape to house the proposed activity, and does not fit in with the general neighborhood.

2. Testimony was given in opposition to the granting of this Conditional Use Permit by persons living in the immediate neighborhood.

3. The granting of this permit would have an adverse effect on abutting and nearby property owners, due to the smell which would be caused by this use.

The Hearings Officer, based on the foregoing Findings of Fact, accordingly orders as follows:

That real property described as the

"parcel of land approximately one acre in size generally located east of Altamont Drive and approximately 350 feet north of Bristol Avenue, in the South Suburban Area, and more particularly described as Lot 6 of the Second Addition to Altamont Acres, Township 39, Range 9, Section 10, being Tax Lots 4500 and 4600, Klamath County, Oregon"

is hereby denied a Conditional Use Permit in accordance with the terms of the Klamath County Zoning Ordinance No. 35, and, henceforth, will not be allowed to keep pigs in the RA

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1 (Residential Agricultural) zone.

2 Entered at Klamath Falls, Oregon, this 18<sup>th</sup> day of  
3 December, 1979.

6 KLAMATH COUNTY HEARINGS DIVISION

7 BY: 808 Jm dm  
8 Hearings Officer

12 STATE OF OREGON; COUNTY OF KLAMATH; ■.

13 Filed for record at request of Klamath County

14 this 21st day of December A. D. 19 79 at 3:08 clock P M., and

15 duly recorded in Vol. M79, of Deeds on Page 29327

16 W. D. MILNE, County Clerk

17 No Fee