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BEFORE THE HEARINGS OFFICER

KLAMATH COUNTY, OREGON

In the Matter of Request for
Conditional Use Permit No. 38-85
for Dora Garlitz

Klamath County Planning
Findings of Fact and Order

A hearing was held on this matter on November 21, 1985,
pursuant to notice given in conformity with Ordinance No. 45.2,
Klamath County, before the Klamath County Hearings Officer, Brad
Aspell. The applicant was represented by Lewis J. Ansell. The
Klamath County Planning Department was represented by Carl Shuck.
The Hearings Reporter was Janet Libercajt.

Evidence was presented on behalf of the Department and on
behalf of the applicant. There were no adjacent property owners
present.

The following exhibits were offered, received, and made a
part of the record:

Klamath County Exhibit A, Staff Report

Klamath County Exhibit B, Plot Plan

Klamath County Exhibit C, Assessor's Map

Klamath County Exhibit D, Photograph

Klamath County Exhibit E, City Planner's Comments

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. Said application is before the Hearings Officer in that
paragraph 3D of the Conclusions of Law and decision in the
Conditional Use Permit application entitled: "In the Matter of

'85 DEC 23 AM 9 41

1 a Request for Conditional Use Permit for Dora Garlitz, Klamath
2 County Hearings Department, File No. 42-84", required that the
3 Conditional Use Permit shall be subject to a renewal one (1) year
4 from the date of its filing with the Klamath County Planning
5 Department. This hearing was called to comply with the prior
6 condition.

7 2. The Hearings Officer finds that the applicant has used
8 the property as indicated in Finding No. 6 entered by James
9 Uerlings.

10 3. The Hearings Officer further finds from the notice
11 given to adjacent property owners that ample opportunity was
12 given to afford adjacent property owners and other affected
13 persons an opportunity to appear at the hearing. None appeared
14 although applicant acknowledges that an adjacent property owner
15 moved from the area recently who viewed himself as being
16 adversely affected. The Hearings Officer concludes that no
17 other persons are adversely affected. This finding is signif-
18 icant in that odors, flies and noise; those problems generally
19 associated with keeping a horse in an essentially urban area, are
20 not viewed by adjacent property owners as creating a problem.

21 4. Upon review of the record in taking hearing, the
22 Hearings Officer specifically adopts Findings of Fact 1, 2, 3, 4,
23 5 and the whole thereof of Conditional Use Permit, and further,
24 those unnumbered Findings relative to Klamath County Development
25 Code Criteria, Findings and Conclusions, Statewide Planning Goals
26 and Review Criteria and adopts the same.

27 The Hearings Officer hereby enters the following Conclusions
28 of Law:

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1 CONCLUSIONS OF LAW:

2 1. The proposed use is conditionally permitted in the zone
3 within which it is proposed to be located.

4 2. Location, size, design and operating characteristics of
5 the proposed use are in conformance with the Klamath County
6 Comprehensive Plan.

7 3. Location, size, design and operating characteristics
8 of the proposed use will be compatible with and will not have a
9 significant adverse effect on the appropriate development and
10 use of abutting properties of the surrounding area. The granting
11 of this Conditional Use Permit is consistent with the Goals of
12 the Land Conservation and Development Commission and of the
13 Klamath County Land Development Code.

14 4. The following conditions are imposed in order to pro-
15 tect the health, safety and welfare of the citizens of Klamath
16 County:

17 A. The applicant's horse be kept at least 50 feet
18 away from the nearest house;

19 B. That the pasture be completely fenced;

20 C. That manure shall not be accumulated to cause an
21 increase in odors or flies on the surrounding property and
22 in this regard the applicant shall remove the manure from
23 the pasture area on at least a weekly basis, weather
24 permitting;

25 D. This Conditional Use Permit is based in part upon a
26 finding that the area in question has not been so
27 extensively developed as to preclude pursuit of rural, farm
28 type pursuits. In this regard the keeping of a horse is

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1 not at present an undue burden on or injurious of the
2 public health, safety or welfare. Conditions may arise
3 which in the future due to increased development, urban-
4 ization or density may make the keeping of a horse on the
5 property unacceptable. In this regard this Conditional Use
6 Permit shall expire five (5) years from the date of this
7 Order and shall be subject to renewal by the applicant at
8 that time. Further the authority granted by this permit
9 shall not be transferred, assigned, conveyed to any third
10 person not a party to this application without application,
11 hearing and approval by the Klamath County Hearings Officer.
12

13 E. The approval granted hereunder shall be subject to
14 such further and additional hearing upon application by the
15 Planning Director or his authorized representative or upon
16 application by adjoining property owner who would be
17 entitled to notice under the Klamath County Hearings Officer
18 may affirm, modify or terminate the approval given hereunder
19 in the event of noncompliance with any conditions above, or
20 upon a Finding of Fact inconsistent with those stated
21 hereinabove. It is hereby ordered that this request for
22 Conditional Use Permit on the subject property described as
23 follows be granted with conditions.
24

25 The Hearings Officer, based on the foregoing, accordingly
26 orders as follows:

27 That real property described as
28 "being generally located at 1750 Gary Street and more
particularly described as Lot 11, Block 9, Pleasant
View Tracts, Klamath County, Oregon,"

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1 is hereby conditionally granted a Conditional Use Permit in
2 accordance with the terms of the Klamath County Zoning Ordinance
3 No. 45.2, and, henceforth, will be allowed to keep a horse on a
4 parcel under 20,000 square feet in the RS zone.

5 Entered at Klamath Falls, Oregon, this 19 Day of
6 December, 1985

KLAMATH COUNTY HEARINGS DIVISION

Bradford J. Aspell
Bradford J. Aspell, Hearings Officer

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STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of _____
of December A.D., 19 85 at 9:41 o'clock A M., and duly recorded in Vol. M85 day
of Deeds on Page 20712

FEE NONE

Ret: Commissioners' Journal

Evelyn Biehn, County Clerk
By Pat Smith

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