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BEFORE THE BOARD OF COMMISSIONERS
KLAMATH COUNTY, OREGONVol. 1188 Page 3950

1 In the Matter of Appeal of)
2 Conditional Use Permit 50-87)
3 for Carlyle and Sarah Hutchinson)

ORDER NO. 88-212

4 This matter came before the Klamath County Hearings Officer,
5 William M. Ganong, on January 7, 1988, and on January 22, 1988,
6 the Conditional Use Permit to allow two large animals was denied.

7 The applicant appealed the Hearings Officer decision on
8 January 29, 1988, to the Board of Commissioners, and on March 1,
9 1988, the Board of Commissioners overturned the decision of the
10 Hearings Officer and approved Conditional Use Permit 50-87 based
11 on additional evidence presented and makes the following Findings
12 of Fact, Conclusions of Law, and decision:

FINDINGS OF FACT:

13
14 1. The applicants own the property described as Klamath
15 County Tax Assessor's Lot No. 3909-3DB-4500. Said lot contains
16 approximately 10,400 square feet. The subject property has been
17 rented for approximately three years to Cindy Hurt. Ms. Hurt can
18 place one large animal on subject lot.

19 2. The subject property is fenced and horses have been
20 pastured on the property from time to time in the past.

21 3. The subject property is zoned RS, Suburban Residential.
22 Approximately three-fourths of the subject property is available
23 for use by the one horse.

KLAMATH COUNTY LAND DEVELOPMENT CODE CRITERIA:

24 Land Development Code Section 51.005(C) provides that not
25 more than four large animals per acre may be permitted in the RS
26 zone by Conditional Use Permit.
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KLAMATH COUNTY CODE FINDINGS FACT AND CONCLUSION:

Pursuant to Code Section 44.003 the following findings and conclusions are made:

1. The proposed use is conditionally permitted in the zone in which it is proposed to be located. Horses (ponies) are defined as "large animals" by the Land Use Code. Depending on the lot size and the number of animals, large animals are permitted outright or by Conditional Use Permit in the RS zone.

2. The size of the lot for the proposed use is 10,400 square feet which requires a Conditional Use Permit when parcel is under 20,000 square feet. The Board of Commissioners find that one horse meets the criteria as spelled out in Land Development Code Section 51.005(C) (see above).

This application for Conditional Use Permit 50-87 to keep large animals on property described as being located in Section 3DB of Township 39S, Range 9EWM, Tax Lot 4500, is approved, subject to only one horse being permitted on subject property as described above.

Done and Dated this 16th Day of March, 1988.

BOARD OF COUNTY COMMISSIONERS

Roger Hamilton
Roger Hamilton, Chairman

Ted Lindow
Ted Lindow, Commissioner

Jim Rogers
Jim Rogers, Commissioner

Approved as to Form and Content:

Michael Spencer
Michael Spencer, County Legal Counsel

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STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County Planning Department the 21st day of March A.D. 19 88 at 4:21 o'clock P M., and duly recorded in Vol. M88 of Deeds on Page 3950.

FEE NONE

Return: Commissioners' Journal

Evelyn Biehn, County Clerk
By Pam Smith