

BEFORE THE HEARINGS OFFICER OF KLAMATH COUNTY, OREGON

1	In the Matter of the	)	C.U.P. No. 12-88
	Conditional Use Permit for	)	Findings of Fact,
2	Eudora Whitaker to Allow two	)	Conclusions of Law
	Large Animals	)	and Decision
3			

4 This matter came before Susan Crismon, Special Hearings
5 Officer of Klamath County, Oregon, on September 15, 1988, in the
6 Klamath County Commissioners' Hearing Room. The Hearing was held
7 pursuant to Notice given in conformity with the Klamath County
8 Land Development Code and related ordinances. Eudora Whitaker
9 was present and represented herself at the hearing. Milford Bigby
10 appeared and offered testimony in opposition to this application,
11 and Nancy Roeder offered testimony as well. The Klamath County
12 Planning Department was represented by Kim Lundahl and the Record-
13 ing Secretary was Karen Burg. The Klamath County Planning Depart-
14 ment file and all contents thereof were incorporated in the record
15 as evidence. The Special Hearings Officer, after reviewing the
16 evidence presented, makes the following Findings of Fact, Conclu-
17 sions of Law and Decision:

18 FINDINGS OF FACT

19 1. The applicant owns the property described as Klamath
20 County Tax Assessor's Lot No. 3909-3DB-4600. Said lot contains
21 approximately 17,800 square feet. Ms. Whitaker maintained two
22 horses on the property until found in violation of the Land
23 Development Code at hearing November 5, 1987.

24 2. The subject property is fenced and horses have been
25 pastured on the property in the past. There is insufficient
26 pasture on the subject property to support the horses and the
27 primary feed source is hay.

28 3. There were two horses located on a nearby parcel which

1 were found to be in violation of the Land Development Code. See
2 Klamath County Land Use Violation 36-87/C.U.P. 50-87. The
3 Hearings Officer Ordered those horses be removed. This Order
4 (C.U.P 50-87) was reversed by the Board of County Commissioners
5 March 1, 1988, and one large animals is allowed on the property
6 at 2504½ Crest Street.

7 4. The subject property is zoned RS, Suburban Residential.
8 Approximately one-half of the subject property is available for
9 use by the horses.

10 KLAMATH COUNTY LAND DEVELOPMENT CODE CRITERIA

11 Land Development Code Section 51.005(C) provides that not
12 more than four large animals per acre may be permitted in the RS
13 zone by Conditional Use Permit.

14 KLAMATH COUNTY CODE FINDINGS OF FACT AND CONCLUSION

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

17 1. The proposed use is conditionally permitted in the zone
18 in which it is proposed to be located (LDC Section 51.005(C)(2).
19 Horses are defined as "large animals" by the Land Development Code.
20 Depending on the lot size and the number of animals, large animals
21 are permitted outright or by Conditional Use Permit in the RS zone.
22 2. The location, and size of the proposed use are not in
23 conformance with the Land Development Code portion of the Klamath
24 County Comprehensive Plan. The subject lot contains approximately
25 17,800 square feet. The portion of the lot available for use by
26 the horses is less than 8,000 square feet. The Land Use Code has
27 been consistently applied to require not less than 10,000 square
28 feet per large animal. The subject lot does not contain adequate

1 usable area for two large animals and would compromise the use
2 and enjoyment of adjacent properties.

3 ORDER

4 This Application for a Conditional Use Permit to keep two
5 large animals (horses) on the property described above is denied
6 as it is not in conformance with the Land Development Code
7 Criteria.

8 DATED this 21st Day of September, 1988.

9
10 Susan Crismon
11 Susan Crismon, Special Hearings Officer

12 Klamath County Land Development Code Section 24.007
13 provides:

14 "An Order of the Hearings Officer shall be final
15 unless appealed within ten (10) days of its mailing by a
16 party having standing in accordance with the procedures set
17 forth in Chapter 3, Article 33 of this Code."

17 Approved as to Form and Content:

18
19 David Mannix
20 David Mannix, Deputy County Counsel
21
22

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County
of Sept. A.D., 19 88 at 2:56 o'clock P.M., and duly recorded in Vol. M88,
of Deeds on Page 15735,
FEE none
Ret: Commissioners Journal
By Evelyn Biehn County Clerk
Pauline Mullendore