

1 IN THE MATTER OF APPEAL OF)
2 CONDITIONAL USE PERMIT 12-88)
3 FOR EUDORA WHITAKER)

ORDER No. 89-138

4 This matter came before the Klamath County Special Hearings
5 Officer, Susan Crismon, on September 15, 1988, and on September 21,
6 1988, an order was issued denying a Conditional Use Permit allow-
7 ing two large animals to be maintained on a lot less than 20,000
8 square feet in area in the RS (Suburban Residential) zone.

9 The applicant, Eudora Whitaker, appealed the Hearings Officer
10 decision on September 23, 1988, to the Board of County Commissioners
11 and at hearing on October 26, 1988, the decision of the Hearings
12 Officer was partially overturned and approved Conditional Use
13 Permit 12-88 to conditionally allow the maintenance of one large
14 animal.

15 FINDINGS OF FACT:

16 1. The applicants own the property described as Klamath
17 County Tax Assessor's Lot No. 3909-3DB-4600. Said lot contains
18 17,860 square feet.

19 2. The subject property is fenced and horses have been
20 pastured on the property in the past. Approximately two-thirds
21 of the subject property is available for pasturage.

22 3. The subject property is zoned RS, Suburban Residential.

23 KLAMATH COUNTY LAND DEVELOPMENT CODE CRITERIA:

24 Land Development Code Section 51.005(C) provides that large
25 animals may be maintained at a ratio of four per acre, but none
26 on lots smaller than 20,000 square feet without an approved
27 Conditional Use Permit.

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1 CONCLUSIONS OF LAW:

2 Pursuant to Code Section 44.003, the following Conclusions
3 of Law are made:

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

9 2. The size of the lot for the proposed use is 17,860 square
10 feet. The Board of County Commissioners finds the maintaining
11 of one large animal on this parcel meets the criteria set out
12 in Land Development Code Section 51.005(C).

13 ORDER:

14 This application for Conditional Use Permit 12-88 to main-
15 tain large animals on property located at 2504 Crest Street is
16 approved subject to the following:

17 1. Permit is limited to the keeping of one large animal.

18 2. Permit to be in effect only as long as reciprocal "open
19 gate" agreement is maintained by occupants of properties known
20 as 2504 Crest Street, 2504½ Crest Street, and 3704 Cannon Avenue.

21 Done and Dated this 20th Day of November, 1988.

22 BOARD OF COUNTY COMMISSIONERS

23 Roger Hamilton
24 Roger Hamilton, Chairman

25 Approved as to
26 Form and Content:

27 David Mannix
28 Deputy County Counsel

Not Present at Hearing
Ted Lindow, Commissioner

Jim Rogers
Jim Rogers, Commissioner

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STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County
of Nov. A.D., 19 88 at 9:48 o'clock A M., and duly recorded in Vol. M88
of Deeds on Page 18718

FEE \$none

Return: Commissioners Journal

Evelyn Biehn

By

County Clerk

Carolene Mullens