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BEFORE THE HEARINGS OFFICER OF KLAMATH COUNTY, OREGON

In the matter of the request for a)
Conditional Use Permit for)

BERNARD LEE SIMONSEN

) CONDITIONAL USE PERMIT

) NO. 78-92

This matter came before Michael L. Brant, Hearings Officer for Klamath County, Oregon on February 5, 1993 in the County Commissioners' Meeting Room in Klamath Falls, Oregon. This hearing was a continuation of a hearing first scheduled for November 6, 1992. The hearing was held pursuant to notice given in conformity with the Klamath County Land Development Code and related statutes and ordinances. The Klamath County Planning Department was represented by Mr. Kim Lundahl, and the recording secretary was Ms. Karen Burg. The Klamath County Planning Department file and all the exhibits and other contents therein is incorporated by this reference into this matter.

Bernard Lee Simonsen, the applicant, was present and testified in favor of the permit. Testimony in opposition to the permit was received. Based upon the evaluation of the evidence received, the Hearings Officer makes the following findings of fact and conclusions of law:

FINDINGS OF FACT

1. The applicant is requesting a Conditional Use Permit to establish a livestock sales facility upon the premises consisting of 17.6 acres zoned EFU-C with the auction/sales to be held in a 6,800 square foot presently existing building within which a sale ring and seating area would be provided. The applicant may host

video auctions in the future. Permanent and temporary livestock pens would be located south and west of said building.

2. The property is located at 9390 Highway 140 East approximately 1 1/2 miles east of the Highway 39 junction with Highway 140 East in Klamath County, Oregon more particularly described as follows:

A portion of the Northwest 1/4 Southwest 1/4,
Section 8, Township 39 South, Range 10 East
of the Willamette Meridian.

Tax Account No.: 3910-8-500

3. Access to the property is presently provided by an Oregon Department of Transportation Highway Division Approach Permit for a single residence. A new permit is required for any change in use. The proposed permit would constitute a change of use.

4. Authority for the proposed permit is found in LDC Section 54.030 C and reviewed in accordance with Section 54.040 and Article 71 Sections 71.010 and 71.020 C.

5. The subject property is within an EFU-C Zone and the applicant's requested Conditional Use Permit is conditionally permitted in this zone.

6. The applicant has been unable to obtain a new access permit from the Oregon Department of Transportation Highway Division.

CONCLUSION

The resulting change requires the applicant to obtain a new access permit which the applicant is unable to obtain and,

therefore, the applicant has not complied with the requirements of LDC Article 71 Sections 71.010 and 71.020 C.

ORDER

Based upon the findings and conclusions herein the Conditional Use Permit application is denied.

DATED THIS 19th day of February, 1993.

Michael L. Brant
Michael L. Brant
Hearings Officer

KLAMATH COUNTY LAND DEVELOPMENT CODE SECTION 24.060 PROVIDES:

"An Order of the Hearings Officer may be appealed to the Board of County Commissioners within seven (7) days of its mailing as set forth in Article 33."

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of _____
of March A.D., 19 93 at 10:01 o'clock A M., and duly recorded in Vol. M93
of Deeds on Page 4278

FEE none

Evelyn Biehn County Clerk

By Frederick M. Nieland

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