

BEFORE THE HEARINGS OFFICER OF KLAMATH COUNTY, OREGON

In the matter of the request for a)
Conditional Use Permit for)
Reg and Carol LeQuieu,)

CONDITIONAL USE PERMIT
NO. 60-93

This matter came before Michael L. Brant, Hearings Officer for Klamath County, Oregon, on October 22, 1993, in the Klamath County Veteran's Memorial Building Conference Room in Klamath Falls, Oregon. The hearing was held pursuant to notice given in conformity with the Klamath County Land Development Code and related statutes and ordinances. Reg LeQuieu was present representing the applicants. The Klamath County Planning Department was represented by Mr. Kim Lundahl. The recording secretary was Ms. Karen Burg. The report prepared by staff was read and the contents thereof were received in evidence. Testimony in support of the application was received as was testimony in opposition to the application. Based upon the evaluation of the testimony and consideration of the evidence received, the Hearings Officer makes the following Findings of Fact and Conclusions, and makes the following decision.

FINDINGS OF FACT

1. The applicants are requesting a conditional use permit to allow the applicants to maintain one horse during the months of August, September, October, and November each year, and in addition thereto one mule during the month of November each year. The authority for granting the conditional use permit is found in section 51.530 of Article 51 and Article 44 of the Klamath County Land Use Development Code.

2. The subject property is zoned RS and is located on the west side of Madison Street and approximately 230 feet north of Harlan Drive

and a portion of Lots 21 and 22 of Homedale Tract. The subject property is further described:

As situated in a portion of section 11 of Township 39 S, Range 9 East of the Willamette Meridian. Tax Lot no. 5600.

The subject property contains 19,261 square feet. The RS zone permits maintenance of large animals on properties exceeding 20,000 square feet with not more than four (4) large animals per acre. Large animals are maintained on other properties within the area.

CONCLUSIONS OF LAW

1. The use complies with the policies of the comprehensive plan.
2. The use is in conformance with all other required standards and criteria of this code.
3. The location, size, design, and operating characteristics of the proposed use will not have a significant adverse impact on the livability, value or appropriate development of abutting properties in the surrounding area.

ORDER

The conditional use requested by the applicants is granted subject to the following continuing conditions.

1. Maintenance of large animals on the subject property shall be limited to the following:

a) One horse during the months of August, September, October and November and one mule during the month of November.

b) Adequate fencing shall be maintained to enclose the large animals upon the subject property.

c) Manure shall be substantially removed at regular intervals, at least six times throughout each week that the animals are maintained on the property.

d) Applicants shall make reasonable efforts to grow turf in all areas in which the animals are kept.

- e) Exercise dust control.
- f) Maintain weed abatement.

DATED THIS 9th day of November, 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 Klamath County the 17th day
 of Nov. A.D., 19 93 at 10:10 o'clock A.M., and duly recorded in Vol. M93
Deeds on Page 30363
 By Evelyn Biehn County Clerk

FEE none

Return: Commissioners Journal