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03-21-94P01:45 RCVD

BEFORE THE HEARINGS OFFICER OF KLAMATH COUNTY, OREGON

In the matter of the request for a)
Temporary Use Permit for)
Larry McAllister) TEMPORARY USE
) PERMIT NO. 1-94
)
)

This matter came before Michael L. Brant, Hearings Officer for Klamath County, Oregon, on February 18, 1994 in the Klamath County Museum Meeting 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. Marjorie McAllister. was present and testified. The Klamath County Planning Department was represented by Mr. Carl Shuck, the recording secretary was Karen Burg.

The report prepared by staff was read and the contents thereof were received in evidence.

Based upon the evaluation of the testimony and consideration of the evidence received the hearings officer makes the following findings of fact and conclusions of law and makes the following decision:

FINDINGS OF FACT

1. The applicants are requesting a temporary use permit to pasture one horse for six months on property situated at 2034 Wiard St. Klamath Falls, Oregon 97603, the legal description of which is as follows:

Lot 12, Pleasant Home Tracts, Tax Lot 3909-2BD-01000, being a portion of S2 T39S R9EWM. The subject property contains approximately 1,550 square feet and is situated on the west side of Wiard Street and 77.5 feet north of Cottage Ave. The property is zoned RS (Suburban Residential) and is developed residential. The area is heavily developed with residences situated close to one another. There are a residence and one out building located on the subject property. The area presently being used and proposed for continued use to pasture a horse is twenty two (22) feet from an adjoining neighbor's residential house.

The authority for granting a Temporary Use Permit is Article 42 of the Klamath County Land Development Code. The Hearings Officer Review is governed by Article 24 of the Code.

CONCLUSION

The proposed use cannot be approved because the size and location of the subject does not meet the requirements of the Klamath County Land Development Code. The size of the subject property is too small and the proposed use on the property would adversely impact the livability and value of abutting properties and the surrounding area.

ORDER

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

DATED THIS 17th day of March, 1994

Michael L. Brant

Michael L. Brant
Hearings Officer

KLAMATH COUNTY LAND DEVELOPMENT CODE SECTION 24.007
PROVIDES:

"An Order of the Hearings Officer shall be final unless
appealed within seven (7) days of its mailing by a party
having standing in accordance with the procedures set forth
in Chapter 3, Article 33 of this Code."

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County the 21st day
of March A.D., 19 94 at 1:45 o'clock PM., and duly recorded in Vol. M94,
of Deeds on Page 8410.

FEE none

Evelyn Biehn County Clerk

By Pauline Mullins

Return: Commissioners Journal