

BEFORE THE HEARINGS OFFICER OF KLAMATH COUNTY, OREGON

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| In the Matter of the Request for a |) | |
| Conditional Use Permit by |) | |
| |) | |
| PHILIP S. DENNEY and MARILYN K. DENNEY, |) | CUP 3-95 |
| |) | |
| Applicants. |) | ORDER |
| |) | |

This matter came before Neal G. Buchanan, Hearings Officer for Klamath County, Oregon, on March 3, 1995, in the Klamath County Museum 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. The Klamath County Planning Department was represented by Mr. Kim Lundahl, and the recording secretary was Ms. Karen Burg. Exhibits received included the following:

- A. Staff Report
- B. Application and Exhibits
- C. Hrubochak letter

The applicants were present in person, and offered testimony.

FINDINGS OF FACT

The applicant requests a Conditional Use Permit so as to allow for specialty animal raising, specifically gamebirds, at their residence north and east of Sprague River. The applicant proposes a 15 x 20 foot structure and a 75 x 150 foot flight pen for the facility to be operated seven months of the year. The Hearings Officer is cognizant of the concerns expressed by Frank and Janet Hrubochak, but nevertheless finds no specific evidence

that the use would adversely impact the value and intended residential use, as asserted.

CONCLUSIONS OF LAW

A. The use complies with the policies of the comprehensive plan.

B. The use is in conformance with all other required standard and criteria of the Code.

C. 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 and the surrounding area, particularly as limited by the conditions set forth in the Order hereinafter.

ORDER

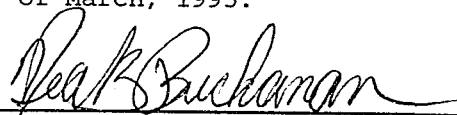
IT IS HEREBY ORDERED that the requested Conditional Use Permit is granted, subject to the specific conditions set forth as follows:

1. The permit will allow for specialty gamebird raising, specifically pheasants, chukar, and grouse.

2. No more than 1,500 birds shall be maintained on the premises at any one time.

3. Applicants shall be required to obtain all requisite licenses and permits, particularly including those required by the Oregon Department of Fish and Wildlife.

Dated this 15 day of March, 1995.



NEAL G. BUCHANAN
Hearings Officer

NOTICE OF APPEAL RIGHTS

You are hereby notified that this Order may be appealed to the Klamath County Board of Commissioners by filing with the Klamath County Planning Department a notice of appeal as set out in Section 33.040 of the Klamath County Land Development Code, together with the fee required within seven (7) days of the mailing date of this Order. Failure to file a notice of appeal within the time provided will result in the loss of your right to appeal this decision.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County the 17th day
of March A.D., 19 95 at 10:43 o'clock A M., and duly recorded in Vol. M95
of Deeds on Page 5979.

FEE NONE

RETURN: Commissioners Journal

By Bernetha G. Letsch County Clerk
[Signature]