

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
KLAMATH COUNTY**

**IN THE MATTER OF THE APPEAL OF HEARINGS OFFICER DECISION
CONCERNING VC 27-97, TAMMY CAMPBELL, RESPONDENT/APPELLANT**

1. NATURE OF THE CASE:

The referenced case, a violation case alleging a large animal, a horse, was being maintained on property not zoned for the use, was heard by the Hearings Officer JUNE 6, 1997. An ORDER finding a violation exists was entered JUNE 7, 1997. The respondent filed an appeal of this ORDER JUNE 13, 1997. A hearing on this appeal was conducted by the Board of County Commissioners JULY 16, 1997.

The appeal was heard pursuant to the procedure set out in Article 33 of the Klamath County Land Development Code.

2. THOSE WHO PARTICIPATED:

A listing of those who participated at this Hearing is on file with the Planning Department. The Planning Department was represented by Kim Lundahl, Senior Planner. Karen Burg, Planning Assistant, was the recording secretary. Members of the Board who heard the appeal were: Al Switzer, William R. Garrard, and M. Steven West.

3. CASE DESCRIPTION:

The Hearings Officer entered Order JUNE 7, 1997 finding a violation and ordering compliance ("remove the horse") by August 1, 1997. The property is known as 1610 Gary St., Klamath Falls, OR 97603 and zoned for Medium Density Residential uses (Art 51.7).

The appellant, in her letter of appeal, argued, in part, she purchased the property after consultation with a former employee of the Planning Department, Daniel Downs, confirmed a horse was zoning permitted at the Gary St. location.

4. FINDINGS:

The Board finds after consideration of the record and argument entered that:


The Hearings Officer correctly interpreted and made findings appropriate to the action taken, enforcement of the Land Development Code.

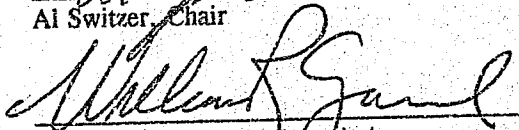
5. ORDER:

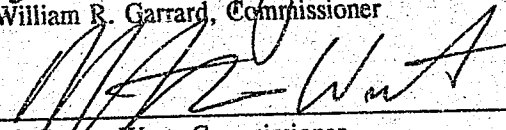
The Board of Commissioners, upon review of the record, testimony and argument presented, hereby **UPHOLDS** the Hearings Officer **ORDER** finding a violation exists.

FURTHER, the appellant is allowed until one year of the date of this appeal hearing (JULY 16, 1998) to bring the property into compliance with the Hearing Officer Order and the Land Development Code.

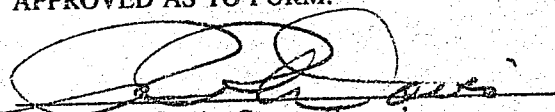
DATED this 28th day of July, 1997


Al Switzer, Chair


William R. Garrard, Commissioner


M. Steven West, Commissioner

APPROVED AS TO FORM:


Reginald R. Davis, County Counsel

APPEAL RIGHTS

This decision may be appealed to the Land Use Board of Appeals within 21 days of the date of mailing. Please contact the Planning Department for information as to this procedure. Failure to file an appeal within the allowed timeframe may affect your right to appeal this decision.

ATT: EXHIBIT A - Hearings Officer Order June 7, 1997

BEFORE THE HEARINGS OFFICER OF KLAMATH COUNTY, OREGON

In the matter of the Violation/
Citation of

Violation/Citation
Case No. VC 27-97

Tammy Campbell

Respondent

This matter came before Michael L. Brant, Hearings Officer for Klamath County, Oregon, on June 6, 1997, 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. The Klamath County Planning Department was represented by Mr. Kim Lundahl and the recording secretary was Assistant Planner Karen Burg. The Klamath County Planning Department file and all the exhibits and other contents therein is incorporated by this reference into this matter. The Klamath County Planning Department staff report was received. Based upon the evaluation of the staff report 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

The Respondent has been cited for maintaining a horse on property not zoned for keeping large animals. The property is located at 1610 Gary St. Klamath Falls, Oregon and is zoned RM (Medium Density Residential). Respondent testified that prior to purchasing the property she and her Realtors talked to a Klamath

County employee who told them maintaining horses on the property is allowed. She further testified she purchased the property in reliance upon the information received because she was specifically seeking a home with the capability of maintaining the horse.

CONCLUSION

The Respondent is in violation. There is no provision in the law for allowing exceptions on a case by case basis.

ORDER

Respondent shall remove the horse by August 1, 1997. If Respondent fails to comply with this Order is hereby ordered that the Klamath County Code Enforcement Officer shall cite the Respondent to appear in the Wood River District Court with bail set \$1000.00.

Dated this 7th day of June, 1997

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 Planning the 30th day of July A.D., 19 97 at 9:15 o'clock A M., and duly recorded in Vol. M97 of Deeds on Page 24192.

FEE None

By Bernetha G. Letsch, County Clerk
Bernetha G. Letsch