

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

**IN THE MATTER OF THE APPEAL OF HEARINGS OFFICER DECISION
CONCERNING CUP 45-97 FOR LINDA WALDEN.**

JERRY HAUGEN, APPELLANT

1. NATURE OF THE CASE:

The referenced case, an application to establish a non-farm home was heard by the Hearings Officer JUNE 6, 1997. An ORDER approving the home was entered. The appellant filed an appeal of this ORDER JUNE 12, 1997. A hearing on this appeal was conducted by the Board of County Commissioners JULY 9, 1997 and continued to JULY 16 for decision only.

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 6, 1997 allowing a non-farm home to be located on 10 acres zoned for agricultural use (Art. 54). The property is located south of Lombardy Lane, 1/8 mile west of Homedale Rd., south of Kingsley Field.

The appellant, in his letter of appeal and argument, argued, in part, the Hearings Officer Order contained errors in fact and the Officer had incorrectly applied the Land Development Code in approving this use.

4. FINDINGS:

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

The Hearings Officer incorrectly interpreted and made findings not appropriate to the action taken, approval of a non-farm home. In that the Hearings Officer order is in conflict with ORS 215.243, ORS 215.283 & OAR 660-33-130 (2) & (3) and compliance with KCLDC Section 54.010 and Section 54.070 is not demonstrated.

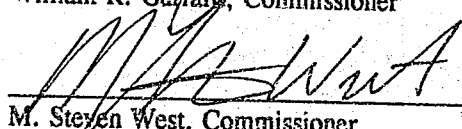
5. ORDER:

The Board of Commissioners, upon review of the record, testimony and argument presented, hereby **OVERTURNS** the Hearings Officer **ORDER** allowing the non-farm home.

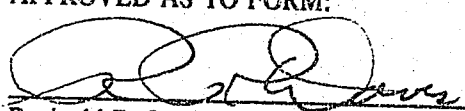
DATED this 30th day of July, 1997


Al Switzer, Chair


William R. Garford, 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.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County the 1st day
of August A.D., 19 97 at 1:19 o'clock P. M., and duly recorded in Vol. 197
of Deeds on Page 25010

Return: Commissioners Journal

FEE No Fee

By Bernetha G. Letsch, County Clerk
