

## BEFORE THE HEARINGS OFFICER FOR KLAMATH COUNTY

In the matter of the request

for a permit for Accessory Farm  
DwellingsConditional Use Permit  
Case No. FMD 10-97Sierra Cascade Nursery  
Applicant

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This matter came before Michael L. Brant, Hearings Officer for Klamath County, Oregon, on October 3, 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. The Applicants appeared. Based upon the evaluation of the Staff Report and consideration of the other evidence received, the Hearings Officer makes the following findings of fact and conclusions and makes the following decision.

## FINDINGS OF FACT

The Applicant wants to replace non-permitted recreational vehicles with three manufactured homes to serve as accessory farm

dwellings on a 350 acre property in north Yonna Valley, at the NE corner of Squaw Flat and Callahan Roads, zoned EFU-CG. There is presently a question regarding transfer of ownership of 100 acres of the 350 acres. Richard Walker testified he had information that 100 acres had been sold. Rand Jertberg, the applicant's representative, denied the sale. At the time of the hearing there were approximately five or six recreational vehicles being occupied as dwellings by farm workers in violation of the Klamath County Land Development Code. There is also another dwelling on the property. There is no acceptable septic system for the recreational vehicles and the electrical service may not be according to code.

#### CONCLUSION

The Applicant is presently in violation of the Code. There is no legal basis upon which to deny a permit to establish two (2) accessory dwellings.

#### ORDER

The Applicant shall remove all the recreational vehicles by December 15, 1998.

Permit to establish two (2) accessory farm dwellings is granted, conditioned upon the following:

1. Compliance with all State and County laws and Code requirements, including Klamath County Building, Health and Planning Department permits and approvals.

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Permit for establishment of a third accessory farm dwelling is denied.

In the event the applicant fails to remove the recreational vehicles by December 15, 1997 the Code Enforcement Officer shall cite the Applicant to appear in Wood River District Court to show cause why it should not be required to comply with this order.

Dated this 16th day of October, 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 Hearings Officer the 17th day  
of October A.D., 19 97 at 10:56 o'clock A. M., and duly recorded in Vol. M97  
of Deeds on Page 34135  
Return: Commissioners Journal By Bernetha G. Letsch, County Clerk

FEE No Fee

By 7/11/11