

BEFORE THE HEARINGS OFFICER OF KLAMATH COUNTY, OREGON

In the Matter of the Request for a Conditional Use)

Permit by: LORI BACKER)

ORDER

CASE NUMBER 98-42

1. NATURE OF THE REQUEST

The applicant, LORI BACKER has applied for a permit to build a second home on 10 acres Zoned R-5. This request was heard by the hearings officer July 10, 1998. The request was reviewed for conformance with Klamath County Land Development Code Article 51.2.

2. NAMES OF PARTICIPANTS

The hearings officer reviewing this application is Joan-Marie Michelsen. The applicant appeared and offered testimony. The planning department was represented by Kim Lundahl. The recording secretary Karen Burg.

3. LOCATION OF PROPERTY

The property in question is located on Pearson Butte, South of Keno and is more particularly described as:

Por. NE 1/4 NW 1/4 Sec. 28, T 40S R 3E, T.A 4008-28-600

4. MATERIALS CONSIDERED

All evidence submitted by the applicant and located in the Staff Report was considered as was the oral testimony given July 10, 1998.

5. FINDINGS

The Hearings officer FINDS AS FOLLOWS:

- The development of a second of structure is not included in the permitted uses for this zoning.
- The LDC permits second residences only on parcels of over 10 acres.
- Approval of the requested structure will create conditions or circumstances that are contrary to the purposes or intent of county planning laws.
- There is no dwelling presently sited on this parcel but applicant wishes to build a stick home on the property and reside in the trailer until the stick built home is completed.

6. ORDER

Therefore, it is hereby ordered that the applicants request to develop a second residence on her 10 acres is denied. However, applicant is permitted to install a temporary trailer, mobile or other structure without a permanent foundations, and on a temporary basis while she builds her home subject to the following conditions:

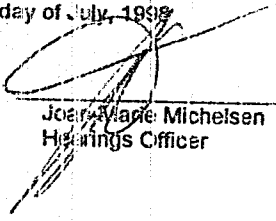
- That any structure be temporary in nature and not be located on the property more than 30 days after the stick built home is completed.
- That in no case shall a temporary dwelling be located on the property past July 30, 1999.

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- c. That a temporary structure shall only be permitted during the actual construction of the permanent structure and only for the occupancy of applicant and her immediate family.

Dated this 30th day of July, 1998


Joar Marie Michelsen
Hearings Officer

NOTICE OF APPEAL RIGHTS

You are hereby notified this application 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 33.004 of the Klamath County Land Development Code together with the fee required within SEVEN DAYS (7) following the mailing date of this order.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County the 10th day
of August A.D. 19 98 at 1:57 o'clock P.M., and duly recorded in Vol. M98
of Needs on Page 29287

Return: Commissioners' Journal

FEE

No Fee

By Banetha GoLetsch County Clerk
K. GoLetsch