

BEFORE THE HEARINGS OFFICER OF KLAMATH COUNTY, OREGON

In the Matter of the Request for a Conditional Use)

Permit by: Neil and Jenny WALLE)

ORDER

Case Number ZC 16-98

1. NATURE OF THE REQUEST

The applicant has applied to change the zoning on 94 acres from RL to RS in order to accommodate horses. The request was reviewed for conformance with Klamath County Land Development Code.

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 was Kevin Nopsi.

3. LOCATION OF PROPERTY

The property in question is located at lot lots 12 and 13 T 1306 #2.

3609-158-200

4. MATERIALS CONSIDERED

All evidence submitted by the applicant and located in the Staff Report was considered as was the oral testimony given January 22, 1999.

5. FINDINGS

The Hearings officer FINDS AS FOLLOWS:

- That the applicant has sufficient land to accommodate a number of large animals.
- That a change in the zoning without restriction would allow excessive and inappropriate development in the location beyond the scope of applicant's intent.
- That a limited modification of the zoning would accommodate the horses and protect the area.

6. ORDER

Therefore, it is hereby ordered that the applicants' request to have horses on their property and re-zone it to accommodate horses is approved subject to the following conditions:

- That wastes are disposed of appropriately and in such a way that protects the waters in the area.
- That Applicant is allowed to build a barn/indoor stalls for up to 8 horses and may have a total of up to 20 horses and/or foals on the land without further permits or zoning changes. It is contemplated that applicant may from time to time sell a horse or foal.
- That the applicant files a restrictive covenant with the county clerk prohibiting the permit grantee and successors in interest from dividing the property or filing any complaint of any type or kind concerning the presently accepted resource management practices and farming uses that may occur on nearby lands devoted to commercial or other resource use.

- d. A site plan, prepared pursuant to article 41, shall be reviewed and approved by the Planning Director prior to construction.
- e. That all required building and placement permits or an extension of time be obtained within two (2) years following the date of this order or this approval will be void.
- f. That the following Shall Not be allowable conditional uses of the land under the new zoning regardless of the language of the current code or any later revisions thereof: Mobile Home Park, more than one additional dwelling, extensive impact services and utilities, Mobile home.

Dated this January 25, 1999

[Signature]
Joan 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 29th day
of January A.D., 1999 at 2:22 o'clock P. M., and duly recorded in Vol. M95
of Deeds on Page 3494

Return: Commissioners Journal

Linda Smith, County Clerk

FEE

No Fee

by *[Signature]*