

2020-000059

Klamath County, Oregon



01/03/2020 09:58:39 AM

Fee: NO FEE

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

**IN THE MATTER OF FILE NUMBER TUP 6-19 (APPEAL)**

**FINAL ORDER**

WHEREAS, Irena McCloud, applicant, requested approval of a Medical Hardship Temporary Use Permit to allow a caregiver to live in a Recreational Vehicle on her property; and

WHEREAS, the subject property is described as a Southerly 223 feet of Tract 22 of Ankeny Garden Tracts and as Tax Lot 2500 in Section 24B of Township 39 South, Range 09 East Willamette Meridian; and

WHEREAS, the applicant submitted said request for the Medical Hardship Temporary Use Permit in due form for consideration; and

WHEREAS, the original approval by the Planning Director was appealed to Klamath County Board of Commissioners; and

WHEREAS, the Klamath County Planning Department provided proper notice of a public hearing held on December 17, 2019 before the Klamath County Board of Commissioners; and

WHEREAS, based on the application, with supplementary submittals, and testimony entered and consideration of the whole record, the Klamath County Board of Commissioners found the open violations of Klamath County Code chapter 401 on the Irena McCloud's property was affecting the value of the surround properties and therefore Criterion 42.050(B) could not be met until such time the code violation was resolved.

WHEREAS, based on the finding the Board of County Commissioner conditionally approved the Temporary Use Permit giving the applicant 90 days to resolve the code violation.


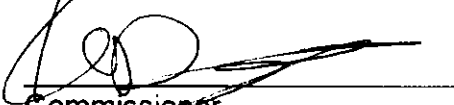
**NOW, THEREFORE, THE KLAMATH COUNTY BOARD OF COMMISSIONERS  
ORDER AS FOLLOWS:**

**The Temporary Use Permit for a Medical Hardship is conditionally approved with  
the following conditions:**

- 1) Prior to use of the RV for the medical hardship, a septic evaluation must be approved from the Klamath County OnSite Dept.
- 2) The use of the Recreational Vehicle for living quarters must cease when the medical hardship ends.
- 3) A wood stove shall not be installed with the Recreational Vehicle. Any heating device used within the Recreation Vehicle must be approved for use in a Recreational Vehicle.
- 4) The applicant shall have all violations of Klamath County Codes resolved on or before 90 days from the date of the Appeal Hearing (March 17, 2020). If the violation or not resolved on or before March 17, 2020, the conditional approval for the Temporary Use Permit for a Medical Hardship will become null and void.

Dated this 31<sup>st</sup> day of December, 2019

**FOR THE BOARD OF COMMISSIONERS**

  
Chair  
  
Commissioner

**Out of Office Today**  
\_\_\_\_\_  
Commissioner

  
\_\_\_\_\_  
County Counsel  
Approved as to form

**NOTICE OF APPEAL RIGHTS**

This decision may be appealed to the Oregon Land Use Board of Appeals (LUBA) within 21 days following the date of the mailing of this order. Contact LUBA for information as how to file this appeal (LUBA by phone 1-503-373-1265 or mail at 550 Capitol Street NE, Suite 235, Salem, Oregon 97301-2552). Failure to do so in a timely manner may affect your rights.