

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR KLAMATH COUNTY, OREGON

IN THE MATTER OF REQUEST FOR )  
COMPREHENSIVE LAND USE PLAN )  
AND ZONE CHANGE 10-87 FOR )  
JOHN SCHOONOVER )

ORDER NO. 88-217

I. NATURE OF REQUEST

A public hearing on this application was held March 1, 1988 being a joint hearing before the Planning Commission.

This is a request for a change of land use plan for Forestry to Rural and Zone change from Forestry (F) to Rural 5 acre (R-5) and was considered pursuant to Articles 47 and 48 of the Land Development Code.

II. NAMES OF THOSE INVOLVED

The applicant, John Schoonover, was present and testified in support of the application. The Planning Department was represented by Carl Shuck, Planning Director, and Kim Lundahl Senior Planner. Administrative Secretary, Karen Burg, was the Recording Secretary. David Mannix, Deputy County Counsel, was present.

Members of the Board of County Commissioners who sat at this hearing were: Roger Hamilton, Ted Lindow and Jim Rogers.

Members of the Planning Commissioner who sat at this hearing were: John Monfore, Ned Livingston, Paul Zech, Fran Gorham, and John Kite.

RECITALS: (1) The applicant in this case based his entire position upon an alleged violation of his due process rights during zoning activities which occurred in the 1970's and early 1980's. The applicant refused to provide evidence relating to the exception process from Goal 4.

FINDINGS:

The Board of County Commissioners of Klamath County, finds and concludes that it lacks authority and jurisdiction to overturn prior actions of Boards of the County Commissioners which occurred more than two years prior for violations of due process and is not legally competent to consider such claims.

ORDER...PAGE ONE

1 Since the applicant refused to provide evidence relating to  
2 taking an exception from Goal 4, the Commissioners find that  
3 they cannot take such an exception.

## 4 DECISION:

5 Based upon the record of the public hearing, the Staff  
6 Report, and the record as a whole, the Board of County  
7 Commissioners for Klamath County conclude that they must deny  
8 this application in its entirety.

9 DATED this 23<sup>rd</sup> day of March, 1988.

10 BOARD OF COUNTY COMMISSIONERS

11 Out of Office Today

12 ROGER HAMILTON, CHAIRMAN

13 TED LINDOW, COMMISSIONER

14 JIM ROGERS, COMMISSIONER

15 APPROVED AS TO FORM:

16 MICHAEL L. SPENCER, COUNTY COUNSEL

17 ORDER...PAGE TWO  
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This decision maybe appealed to either the Land Use Board Of Appeals pursuant to ORS 197.830 by filing a Notice of Intent to Appeal with the Land Use Board of Appeals in the time set by that Statute giving notice as required by that Statute or by filing a Writ of Review pursuant to ORS 34.020, et. seq., in the manner set out in that Statute. The decision being appealed is of a type that may require one or the other of these types of appeals and this body cannot advise the applicant of which procedure would be appropriate. The applicant is recommended to seek appropriate legal counsel should an appeal be deemed necessary.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County Planning Department the 28th day  
of March A.D. 19 88 at 3:30 o'clock P M., and duly recorded in Vol. M88  
of Deeds on Page 4331  
By Evelyn Biehn, County Clerk

FEE

\$NONE

Return: Commissioners' Journal