

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR THE COUNTY OF KLAMATH

In the matter of the appeal of
the determination of the Planning
Director regarding the site review
for a salmon hatchery at Fort Creek.

ORDER No. 90-188

WHEREAS, the Board of County Commissioners met on March 15, 1990, to hear this appeal; and

WHEREAS, the Board of County Commissioners continued this matter to March 22, 1990, for the submittal of additional evidence and until March 30, 1990 for the submittal of legal briefs; and

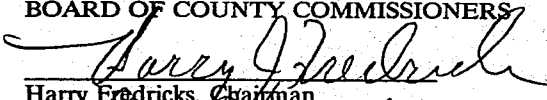
WHEREAS, Anadromous, Inc. appears to have raised the issue of "vested rights" and has submitted new evidence on that issue after the hearing but within the time allowed for such submittal; and

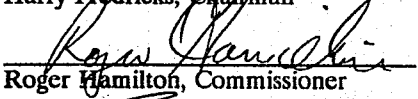
WHEREAS, the Sparacinos have requested additional time to produce evidence relating to that issue;

NOW, THEREFORE, IT IS HEREBY ORDERED that, pursuant to ORS 197.763 (4)(b), both the Sparacinos and Anadromous, Inc. shall have until 5:00 p.m. on May 16, 1990, to submit additional evidence to the Planning Department on the issue of "vested rights" only. Each party shall then have until 5:00 p.m. on May 23, 1990, to submit to the Planning Department a brief regarding the "vested rights" issue, particularly in regards to the question as to whether the expenditures and planning of Anadromous, Inc. prior to the adoption of the new land development code on February 16, 1984 were done with or without knowledge of the proposed new code. In addition, the briefs should discuss whether expenditures made prior to the December 6, 1983, IDRB hearing can be considered in regards to the "vested rights" issue. Both parties shall serve opposing counsel and County Counsel with evidence and briefs on the day they are submitted to the County. No rebuttal briefs will be allowed. This Board will then meet on May 30, 1990 at 10:00 a.m. to render its final decision on this matter.

DATED this 9th day of May, 1990.

BOARD OF COUNTY COMMISSIONERS


Harry Fredricks, Chairman


Roger Hamilton, Commissioner


Ted Lindow, Commissioner

APPROVED AS TO FORM:


County Counsel

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County the 10th day
of May A.D., 19 90 at 12:30 o'clock P.M., and duly recorded in Vol. M90,
of Deeds on Page 8902.

Evelyn Biehn, County Clerk

By 

FEE none

Return: Commissioners Journal

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