

BEFORE THE KLAMATH COUNTY BOARD OF COMMISSIONERS

IN THE MATTER OF APPEAL OF TIME
EXTENSION FOR CUP 39-88 1-16 SCHOONOVER

ORDER

THIS MATTER came before the Board of Commissioners on January 13, 1994, as an appeal by the Department of Land Conservation and Development.

The appeal was filed on December 13, 1993. The Department of Land Conservation and Development met the notice of appeal deadline.

The Klamath County Board of Commissioners was present. The appellant, Department of Land Conservation Development (DLCD) was represented by Brent Lake, field representative. The applicant, Mr. John Schoonover was present.

The Klamath County Planning Department was in attendance and represented by Carl Shuck. The recording secretary was Karen Burg.

The Department of Land Conservation and Development appealed the Planning Directors decision of approval because they believed that;

1. The acts of the property owner must arise beyond mere contemplated use or preparation (such as grading or leveling) of land, or the preparation of development plans; and 2. The development is unable to occur due to circumstances beyond the control of the owner; and 3. The nature of the project and original condition.

The Notice and Opportunity to Comment was mailed out per notice requirements of Article 32 of the Land Development Code.

On January 13, 1994, The Board of Commissioners took relevant information, data and evidence considering the appeal of Time Extension for CUP 39-88(1-16).

The Board of Commissioners makes the following findings for approval for the Time Extension of CUP 39-88(1-16).

1. The subject property is located in a portion of section 5, of Township 25, Range 8, known as Deschutes Land Sales Unit 2.

2. The subdivision, known as Deschutes Land Sales Unit 2, is 80 acres in size and was recorded on September 18, 1987.


3. The Board of Commissioners found that the applicant has spent \$200,000 on improvements to the land.

4. The Board of Commissioners found that the applicant has spent an additional \$29,000 for clearing land, resurveying the land and restaking the lot lines.


5. The Board of Commissioners found that the applicant testified that he has maintained the subdivision in its original conditions as recorded in September 18, 1987.

Based upon the findings and the Planning Directors Order, dated November 29, 1993, and the relevant information, data and evidence considered on the appeal, the Board of Commissioners hereby up-holds the Planning Directors decision of November 29, 1993.

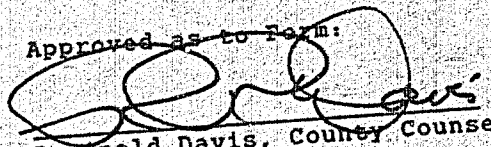
Dated this 31st day of January ~~February~~ 1994


CHAIRMAN OF THE BOARD


COMMISSIONER


COMMISSIONER

Approved as to Form:

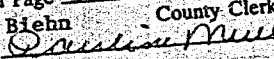

Reginald Davis, County Counsel

NOTICE OF APPEAL RIGHTS:

You are hereby notified that this decision may be appealed to the Land Use Board of Appeals within 21 days following the mailing of this Order. Failure to do so in a timely manner may affect your right to appeal the decision.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County the 4th day
of Feb A.D., 19 94 at 9:16 o'clock A M., and duly recorded in Vol. M94
of Deeds on Page 3989.

By Evelyn Biehn County Clerk


FEE none

Return: Commissioners Journal