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08-08-94A11:36 RCVD

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
KLAMATH COUNTY

IN THE MATTER OF THE APPEAL OF CUP 33-94, FOR BLEHA,  
TO ESTABLISH A SHOTGUN TARGET RANGE,  
BY JONES/OLMSTEAD/ABBOTT

1. NATURE OF THE CASE:

The referenced case was heard by the Klamath County Land Use Hearings Officer on MAY 13, 1994. An ORDER approving the request was entered MAY 25, 1994. The appellants entered appeal of this decision by notice dated JUNE 2, 1994. A hearing on this appeal was heard by the Board of County Commissioners JULY 26, 1994.

The appeal was heard pursuant to the procedure set out in Article 33 of the Klamath County Land Development Code.

2. THOSE WHO PARTICIPATED:

Appellants Jones and Abbott argued in behalf of the appeal. The applicant, David J. Bleha, argued on behalf of his application and against the appeal. The Planning Department was represented by Kim Lundahl, Senior Planner. Karen Burg, Administrative Secretary, was the recording secretary. Members of the Board who heard the appeal were: Wes Sine, Ed Kentner, and F. Jean Elzner.

3. CASE DESCRIPTION:

The applicant received approval from the Hearings Officer to establish a SHOTGUN TARGET RANGE on 80 acres zoned Non Resource, located on the west boundary of Lawanda Hills subdivision and one mile north of Hwy 66, west of Klamath Falls. The property in question is located in the NE 1/4 of Section 15, T 39S R 8E WM..

The appellants argued the Hearings Officer did not consider all of the information in the record that was pertinent to the case (KCLDC Sec. 33.070 C 2).

1. The impact of the facility on the livability of their property was not addressed. The appellants argued this facility, as operated, created noise, generated dust, increased traffic and interrupted the neighborhood.
2. The appellants also argued the existence of the facility had impacted the value of property in the area and made sales of existing homes difficult.

4. FINDINGS:

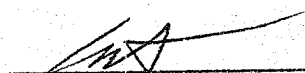
The Board finds the argument of the appellants convincing in that the Hearings Officer made no finding addressing the specific testimonies entered at the MAY 13, 1994 hearing.

The Board further finds the Hearings Officer did not respond to the appellants concerns by applying conditions of approval in mitigation.

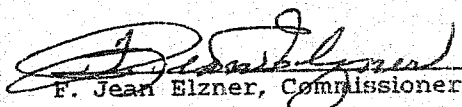
## 5. ORDER:

The Board of Commissioners, therefore, UPHOLDS the appeal and reverses the decision of the Hearing Officer as entered.

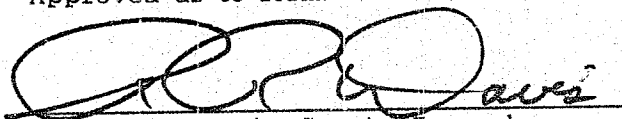
DATED this 4<sup>th</sup> day of August, 1994

  
Wes Sine, Chairman

Out of Office  
Ed Kentner, Commissioner

  
F. Jean Elzner, Commissioner

Approved as to form:

  
Reginald R. Davis, County Counsel

## APPEAL RIGHTS

This decision may be appealed to the Land Use Board of Appeals within 21 days of the date of mailing. Please contact the Planning Department for information as to this procedure. Failure to file an appeal within the allowed timeframe may affect your right to appeal this decision.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County the 8th day  
of Aug A.D., 19 94 at 11:36 o'clock A M., and duly recorded in Vol. M94  
of Deeds on Page 24355

FEE none

Evelyn Biehn County Clerk  
By Dorlene Mendenhall

Commissioners Journal