

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

**IN THE MATTER OF THE APPEAL OF TRACT 1290, RANDY AND SUE SCOTT,
BY BONGIOVANNI, KOLLMAN AND SCRIVNER**

1. NATURE OF THE CASE:

The referenced case, a preliminary subdivision of 120 acres into 14 lots, was heard by the Klamath County Planning Commission on FEBRUARY 28, 1995. An ORDER APPROVING the subdivision of 14 lots (11 at 5 acres, 3 at 20, within Section 22, T 39S R 8E) was entered MARCH 1, 1995. The appellants filed an appeal of this decision MARCH 10, 1995. A hearing on this appeal was conducted by the Board of County Commissioners MAY 4, 1995.

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

2. THOSE WHO PARTICIPATED:

Susan Kollman, Dorothy Kerns, Mary Sweeney, and Joyce Barrett argued in behalf of the appeal. Randy Scott argued against the appeal. The Planning Department was represented by Kim Lundahl, Senior Planner. Karen Burg, Planning Assistant, was the recording secretary. Members of the Board who heard the appeal were: C. H. McMillan, III, Dave Henzel, and F. Jean Elzner.

3. CASE DESCRIPTION:

The Planning Commission APPROVED the subdivision of 120 acres into 14 lots on property located 1/2 mile north of Hwy 66, two miles west of the Weyco Mill, four miles from Downtown Klamath Falls.

The Subdivision was approved subject to twelve Conditions including provisions for septic suitability, wildlife mitigation, fire protection and non interference with on-going resource management practices.

The appellants argued the Comprehensive Plan and Land Development Code were incorrectly applied and the decision to approve the application is not supported by the record. The appellants also argued the testimonies of ten individuals were not considered in the decision.

4. FINDINGS:

The Board finds the record for Tract 1290 addressed the concerns of the appellants as set out in the Board Order approving CLUP/ZC 23-94, the record of which was incorporated into the record for Tract 1290 as considered by the Planning Commission February 28, 1995.

5. ORDER:

The Board of Commissioners, upon review of the records for Tract 1290 and CLUP/ZC 23-94 and argument presented, UPHOLDS the decision of the Planning Commission as set out in its ORDER dated March 1, 1995 APPROVING Tract 1290 conditioned upon compliance with the approval letter and in conformance with the preliminary map dated December 20, 1994.

DATED this 17th day of May, 1995

C. H. McMillan, III

C. H. McMillan, III

Dave Henzel

Dave Henzel, Commissioner

F. Jean Elzner

F. Jean Elzner, Commissioner

APPROVED AS TO FORM:

Reginald R. Davis

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 15th day
of May A.D., 19 95 at 10:04 o'clock A M., and duly recorded in Vol. M95
of Deeds on Page 12477.

FEE No Fee

By Annette Mueller
Bernetha G. Letsch, County Clerk