

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

**IN THE MATTER OF THE APPEAL OF TUP 1-95, CLAUDE G. REX, JR.**

**1. NATURE OF THE CASE:**

The referenced case, a Temporary Use Permit allowing occupancy of an RV during development of a site, was heard by the Klamath County Hearings Officer on JUNE 2, 1995. An ORDER CONDITIONALLY APPROVING the request on Lot 21, Blk 91 KFFE was entered JUNE 5, 1995. The appellant filed, on June 12, 1995, an appeal of the timeframe for installation of an approved septic system, July 5, 1995. A hearing on this appeal was conducted by the Board of County Commissioners AUGUST 3, 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:**

Claude Rex, Jr. and Mike Wynn argued in behalf of the appeal. Ron Smiley 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 Hearings Officer APPROVED the Temporary Use Permit subject to installation of an approved septic system by July 5, 1995 on property located on Cardinal Dr., Bly Mtn. T.A. 3711-22A-2600.

The appellant argued the timeframe allowed by the Hearings Officer was to constraining given the financial situation of the appellant and the physical difficulty of the installation.

**4. FINDINGS:**

The Board finds the appellant has demonstrated progress towards installation of the required septic system and UPHOLDS the appeal conditioned on:

1. The appellant will install the required additional 500 gallon tank and pump by SEPTEMBER 5, 1995 and receive approval for same from the Environmental Health Services Division.

2. The appellant will complete installation and receive approval of the complete system by OCTOBER 30, 1995 or vacate the property. A STIPULATED AGREEMENT confirming the appellants intention to complete or vacate by October 30, 1995 is attached.

#### 5. ORDER:

The Board of Commissioners, upon review of the record, testimony and argument presented, UPHOLDS the decision of the Hearings Officer as conditioned above.

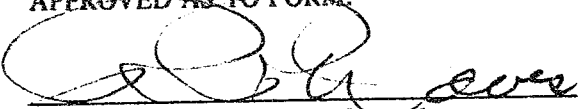
DATED this 11<sup>th</sup> day of Aug, 1995

  
C. H. McMillan, III, Chair

  
F. Jean Elzner, Commissioner

  
Dave Henzel, 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.

# **STIPULATED AGREEMENT TEMPORARY USE PERMIT 1-95**

The BOARD OF COUNTY COMMISSIONERS upheld, on August 3, 1995, the approval of the Hearings Officer for Temporary Use Permit 1-95.


The BOARD has required as a CONDITION the appellant/applicant sign this agreement indicating he will either:

1. Complete the required septic installation and obtain approval of same from the Environmental Health Services Division; or,
2. Vacate residential occupancy of the property described within the BOARD ORDER.


**BY OCTOBER 30, 1995.**

This signed AGREEMENT is attached to and made a part of the BOARD ORDER entered for this case.

SIGNED THIS 9 DAY OF AUGUST, 1995

  
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Claude G. Rex, Jr.

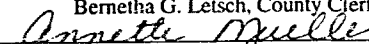
WITNESS:

  
\_\_\_\_\_  
J.K. Lundahl, Klamath County Planning

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County the 17th day  
of August A.D., 19 95 at 9:54 o'clock A M., and duly recorded in Vol. M95  
of Deeds on Page 21864.

FEE No Fee

By Bernetha G. Letsch, County Clerk  


Return: Commissioners Journal