

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

**IN THE MATTER OF THE APPEAL OF HEARINGS OFFICER DECISION  
CONCERNING CUP 42-98, Lori BACKER, APPLICANT/APPELLANT**

**1. SCOPE OF THE HEARING:**

The referenced case, an application per Article 51.2 to allow a second residence on 10 acres + was considered and DENIED by the Hearings Officer July 30, 1998. The applicant filed an appeal of this decision August 21, 1998. The Board of County Commissioners September 22, 1998 conducted a hearing on this appeal.

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

**2. THOSE WHO PARTICIPATED:**

A notarized listing of those who participated at this Hearing is on file with the Planning Department. Kim Lundahl, Senior Planner, represented the Planning Department. Karen Burg, Planning Assistant, was the recording secretary. Members of the Board who heard the appeal were: William R. Garrard, M. Steven West and Al Switzer.

**3. CASE DESCRIPTION:**


The Hearings Officer found 10.042 acres did not meet the criteria "parcel size—greater than 10 acres" (KCLDC Sec 51.230 C). The Hearings Officer set out this finding in the text of her Order dated July 30, 1998. The property is described as a por. NE ¼ NW ¼ Sec. 28, T 40S R 8E and is zoned for Rural uses.

The appellant appeared and argued the contentions set out in the Letter of Appeal dated August 21, 1998.


## 4. ORDER:

The Board of County Commissioners, upon consideration of the Record and Argument finds the Hearings Officer incorrectly applied the Code in that 10.042 acres is "greater than 10 acres" and UPHOLDS the appeal and grants the Conditional Use Permit requested.

DATED this 5<sup>th</sup> day of OCTOBER, 1998

  
William R. Garrard, Chair

  
M. Steven West, Commissioner

  
Al Switzer, Commissioner

APPROVED AS TO FORM:

 1 Oct 98  
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 execution by the BOCC. 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 7<sup>th</sup> day  
of October A.D., 19 98 at 2:14 o'clock P. M., and duly recorded in Vol. M98  
of Deeds on Page 36964.

FEE No Fee

Return: Commissioners Journal

Bernetha G. Letsch, County Clerk

By Kristen R. Ross