



BEFORE THE KLAMATH COUNTY BOARD OF COMMISSIONERS

IN THE MATTER OF FILE NUMBER LC 10-09

APPEAL FINAL ORDER

WHEREAS, Jim Machado, applicant, timely filed an Intent to Appeal the administrative DECISION of LC 10-09 on November 13, 2009 and filed a Notice of Appeal on November 19, 2009; and

WHEREAS, the subject property is described in attached Exhibit A as Township 34, Range 7 South, Section 4DA, tax lots 300 & 400, East Willamette Meridian, and further known as tax account R-3407-004DA-300 & 400, located adjacent to Oregon Highway 97 North near Spring Creek Hill (North of Collier State Park); and,

WHEREAS, the Klamath County Planning Department provided proper notice of the appeal hearing held on November 19, 2009 before the Klamath County Board of County Commissioners at 3:00 pm.

WHEREAS, based on testimony entered and after consideration of the whole record; the Klamath County Board of Commissioners acting within their authority, **affirmed** the Planning Director's decision that the properties were unlawfully created, and that parcel R-3407-004DA-00400-000 could be made legal through a validation plat, but **reversed** the Planning Director's determination that parcel R-3407-004DA-00300-000 was not eligible to be made lawful through a validation plat.

NOW, THEREFORE, THE KLAMATH COUNTY BOARD OF COMMISSIONERS HEREBY MODIFIES THE PLANNING DIRECTOR'S DECISION AS FOLLOWS:

1. Affirms the administrative decision that both parcel R-3407-004DA-00300-000 and R-3407-004DA-00400-000 (see attached Exhibit A) were not lawfully created by virtue of not being legally created pursuant to ORS 92.012,
2. Affirms the administrative decision that parcel R-3407-004DA-00400-000 qualifies to be legalized via the lot validation process allowed in ORS 92.176,
3. Reverses the administrative decision that parcel R-3407-004DA-00300-000 was not eligible to be made lawful through a validation plat, and finds that the parcel qualifies to be legalized via the process set out in ORS 92.176.

Dated this 3rd day of ^{May} April, 2010

FOR THE BOARD OF COMMISSIONERS

Cheryl Hurley
Chairman

John Elliott
Commissioner

W. J. Smith
Commissioner

D. P. G.
County Counsel
Approved as to form

NOTICE OF APPEAL RIGHTS

This decision may be appealed to the Oregon Land Use Board of Appeals (LUBA) within 21 days following the date of the mailing of this order. Contact LUBA for information as how to file this appeal (LUBA by phone 1-503-373-1265 or mail at 550 Capitol Street NE, Suite 235, Salem, Oregon 97301-2552). Failure to do so in a timely manner may affect your rights.

Parcel created: 03/05/1984
 Deed: Vol. M84, p. 3460
 R-3407-004DA-00200

EXHIBIT A
FILE # LG 10-09

Parcel created: 02/01/2007
 Deed: Vol. 2007, p. 1821
 R-3407-004DA-00300





Parcel created: 10/08/1979
 Deed: Vol. M79 p. 23784
 R-3407-004DA-00400

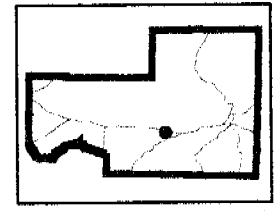
Parcel created: 08/30/1984
 Deed: Vol. M84, p. 15070
 R-3407-004DA-00500

Parcel created: 03/05/1984
 Deed: Vol. M84, p. 3460
 R-3407-004DA-00600

Parcel created: 12/02/1996
 Deed: Vol. M96, p. 37600
 R-3407-004DA-00100

Legend

-  Parcel created: 07/22/1977
-  Deed: Vol. M77, p. 13119
-  Taxlot 400
-  Taxlot 300



This map is for planning purposes only. This map has been prepared for internal use by Klamath County only. Accuracy and completeness is not guaranteed to any other agency, public or private.

This map was created by the Planning Department of the Community Development Department. Questions regarding displayed data should be directed to the Planning Department (541)883-4200.

