

## BEFORE THE HEARINGS OFFICER

KLAMATH COUNTY, OREGON

1  
2  
3  
4 In the Matter of Request for )  
5 Variance 78-14 for ) Klamath County Planning  
6 Gerald Newton, Applicant ) FINDINGS OF FACT AND ORDER  
7 )

8  
9 A hearing was held in this matter at Klamath Falls,  
10 Oregon, on April 12, 1978, pursuant to notice given in conformity  
11 with Ordinance No. 35, Klamath County, before Klamath County's  
12 Hearing Officer, Del Parks. The applicant was present. The  
13 Klamath County Planning Department was represented by Carl Shuck.  
14 The Hearings Reporter was Isabel Rodriguez.

15 Evidence was presented on behalf of the Department and  
16 on behalf of the applicant. There were no adjacent property  
17 owners present who stated they had any objections to the proposed  
18 variance requested by the applicant

19 The following Exhibits were offered, received and made  
20 a part of the record:

21 Klamath County Exhibit A, the Staff Report  
22 Klamath County Exhibit B, photos of the subject property  
23 Klamath County Exhibit C, a Klamath County Assessor's  
24 map of the subject property  
25 Klamath County Exhibit D, a Klamath County Zoning map  
26 of the subject property

27 The hearing was then closed and based upon the evidence  
28 submitted at the hearing, the Hearings Officer made the following  
findings of fact:

78 APR 25 AM 10 26

FINDINGS OF FACT:

1. The Hearings Officer finds the exceptional circumstance to be the close proximity in time between the division of the property and the effective date of zoning and the likely probability that persons affecting the subdivision were not aware that it was a 20 acre parcel.

2. The Variance is necessary to use the property for its intended use and that would be similar to the use by adjoining property owners.

3. There would be no detrimental affects to the public health, safety, or welfare.

4. The requested Variance is the minimum Variance because it does not encompass the entire lot.

The Hearings Officer, based on the foregoing Findings of Fact, accordingly orders as follows:

That real property described as the

"parcel of land generally located West of State Highway 63 and North of the Fort Klamath Junction and more particularly described as Lot 15 of Section 8, Township 35 South, Range 7 East of the Willamette Meridian, Klamath County, Oregon."

is hereby granted a Variance in accordance with the terms of the Klamath County Zoning Ordinance No. 17 and henceforth the required 20 acre minimum in an AF (Agricultural-Forestry) Zone will be reduced to 16.29 acres to be used for residential purposes.

Entered at Klamath Falls, Oregon, this 18 day of April, 1978.

KLAMATH COUNTY HEARINGS DIVISION

By Del Bach  
Hearings Officer



805

# Klamath County - Planning Department

COURTHOUSE — 503-882-2501, Ext. 285 — KLAMATH FALLS, OREGON 97601

IN THE MATTER OF  
MAILING NOTICES FOR  
Variance 78-14 for  
Gerald Newton

)  
)  
)

## AFFIDAVIT OF MAILING

STATE OF OREGON  
County of Klamath

)  
)

I, Isabel Rodriguez, being first duly sworn, depose  
and say that I am an employee of the Klamath County Planning  
Department, and that on the 21<sup>st</sup> of April, 1978, I did deposit in  
the U.S. postal system five copies of said MAILING NOTICE,  
a copy of same being attached hereto, in a sealed envelope addressed  
to those individuals on the mailing list attached hereto.

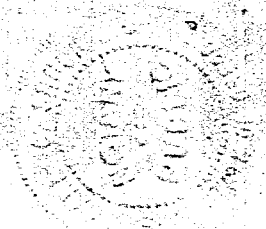
Isabel Rodriguez

SUBSCRIBED and sworn to before me this 21 day of  
April 19 78.

Paul A. Shull  
NOTARY PUBLIC FOR OREGON

My commission expires

Aug 3, 1980



Orders for Variance 78-14 for Gerald Newton were sent to the following:

Board of Commissioners  
Courthouse Annex  
Klamath Falls, OR 97601

Clerk's Office  
Courthouse  
Klamath Falls, OR 97601

Assessor's Office  
Courthouse Annex  
Klamath Falls, OR 97601

Gerald L. Newton  
325 Tudor Street  
Ashland, OR 97520

Jim Pardee  
Harmony Lane  
Ashland, OR 97520

STATE OF OREGON; COUNTY OF KLAMATH; ss.

Filed for record at request of Klamath County  
this 25th day of April A. D. 1978 at 10:25 o'clock AM, and  
duly recorded in Vol. 178, of Deeds on Page 8053

W<sup>m</sup> D. MILNE, County Clerk

*Bernetha D. Helich*

*Commissioners Journal*

No Fee