

BEFORE THE HEARINGS OFFICER
KLAMATH COUNTY, OREGON

In the Matter of Request for)
Variance 78-29 for) Klamath County Planning
Jessie Hurley for)
Hurley/Paddock, Applicant) FINDINGS OF FACT AND ORDER

A hearing was held in this matter at Klamath Falls, Oregon, on July 12, 1978, pursuant to notice given in conformity with Ordinance No. 35, Klamath County, before Klamath County Hearings Officer, Jim Spindor. Mr. Ralph Vaden of Paddock Reality was present on behalf of the application. The Klamath County Planning Department was represented by Carl Shuck. The Hearings Reporter was Isabel Rodriguez.

Evidence was presented on behalf of the Department and on behalf of the applicant. There were several surrounding property owners present who stated they had objections to the proposed Variance requested by the applicant.

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

- Klamath County Exhibit A, the Staff Report
- Klamath County Exhibit B, photos of the subject property
- Klamath County Exhibit C, a Klamath County Assessor's map of the subject property
- Klamath County Exhibit D, a Klamath County Zoning map of the subject property.
- Opponent's Exhibits 1 through 4, letters in opposition to the granting of the subject Variance.

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FINDINGS OF FACT:

1. There are no exceptional and extraordinary circumstances which apply to the applicant's property which do not apply generally to other property owners in the area. The applicant's property is less than 20 acres because of Highway No. 62; this condition applies to several pieces of property in this vicinity.

2. Adjacent property owners expressed opposition, stating that their intent in purchasing property in this particular zone was to be free from immediate neighbors. Mr. Wedding testified that if a residence were placed on the easterly most portion of Tax Lot 2900 (that portion furthest from Highway No. 62), that it would obstruct his view. The Hearings Officer personally viewed the property in question and found that if a residence was placed in this position, it would in fact obstruct Mr. Weddings view, and that it would defeat the purpose of this particular zone.

3. However, if DEQ approval could be obtained to allow construction of a residence on the westerly one-half of said property (that half of the property nearest to Highway No. 62) within 30 days of the date of this order, the applicant will be allowed to re-open this matter for a hearing on the question of whether a Variance should be approved for this purpose.

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

That real property described as the

"parcel of land approximately 15
acres in size and generally located
on the east side of State Highway 62
and approximately 1/4 mile northwest

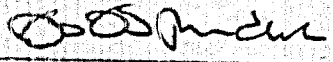
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1
2 off State Highway 62 and State
3 Highway 422 Junction and more
4 particularly described as Tax
5 Lot 2900, Lot 7, Section 2,
6 Township 35 South, Range 7 East
7 of the Willamette Meridian,
8 Klamath County, Oregon"

9 is hereby denied a Variance in accordance with the terms of the
10 Klamath County Zoning Ordinance No. 17 and henceforth the
11 required minimum lot size shall remain as 20 acres unless the
12 above conditions have been met.

13 Entered at Klamath Falls, Oregon, this 28th day
14 of August, 1978.

15 KLAMATH COUNTY HEARINGS DIVISION

16 By 

17 Hearings Officer
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IN THE MATTER OF)
 Variance 78-29)
)
 STATE OF OREGON)
)
 County of Klamath)

AFFIDAVIT OF MAILING
 FOR

Jessie Hurley for
 Hurley/Paddock, Applicant

The undersigned certifies that as an employee of the
 Klamath County Planning Department she served the foregoing on
 the parties on September 1, 1978 by depositing a copy
 of said Findings of Fact and Order in a sealed envelope in the
 United States mail at Klamath Falls, Oregon, with postage thereon
 fully prepaid and addressed to the said parties at their last
 known place of business or residence, as follows:

Commissioners' Office
 Courthouse Annex
 Klamath Falls, OR 97601

Jessie W. Hurley
 4765 Driftwood
 Klamath Falls, OR 97601

Clerk's Office
 Courthouse
 Klamath Falls, OR 97601

Paddock Realty
 2972 So. 6th
 Klamath Falls, OR 97601

Assessor's Office
 Courthouse Annex
 Klamath Falls, OR 97601

Mr. & Mrs. Wedding
 P.O. Box 768
 Chiloquin, OR 97624

Richard Schultz
 P.O. Box 883
 Chiloquin, OR 97624

SUBSCRIBED and sworn to before me this 1st day of September, 1978.

Carol Rodriguez
 Hearings Reporter

Mary C. Lofell
 NOTARY PUBLIC FOR THE STATE OF OREGON
 My Commission Expires: .

2.6.82

STATE OF OREGON; COUNTY OF KLAMATH; ss.

I hereby certify that the within instrument was received and filed for record on the 8th day of
September A.D., 19 78 at 12:25 o'clock PM, and duly recorded in Vol. M78,
 of Deeds (on Page 19911)

FEE \$12.00

WM. D. MILNE, County Clerk

By Benedict

Deputy