

2046

KLAMATH COUNTY, OREGON

In the Matter of Request for )  
Temporary Permit No. 77-5 for )  
Dick Baumgardner, Applicant )

KLAMATH COUNTY PLANNING  
FINDINGS OF FACT AND ORDER

A hearing was held in this matter at Klamath Falls, Oregon, on May 13, 1981, pursuant to notice given in conformity with Ordinance No. 35, Klamath County, before the Klamath County Hearings Officer, Jim Spindor. The applicant was present. The Klamath County Planning Department was represented by Jonathan Chudnoff. The Hearings Reporter was Barbara Thomson.

Evidence was presented on behalf of the Department and on behalf of the applicant. There were no adjacent property owners present who stated they had objections to the proposed Temporary Permit 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, Klamath County Assessor's Map of the subject property

Applicant's Exhibit No. 1, letter from Applicant requesting renewal of permit

The hearing was then closed, and based upon the evidence submitted at the hearing, the Hearings Officer made the following Findings of Fact:

FINDINGS OF FACT:

1           1. It appears that the amount of sand and gravel which  
2 is located on the property, upon removal would substantially  
3 level the property and tend to improve it as a building site.

4           2. The property in question is presently undeveloped and  
5 is located in an underdeveloped, albeit rapidly developing part  
6 of Klamath County.

7           3. Because the property surrounding the area is in a  
8 large part owned by the applicant, Tax Lot 24 and Tax Lot 25  
9 directly across the street, the majority of the adverse effect  
10 would be felt on the applicant's own property and the applicant  
11 would have a vested interest in not reducing the property values  
12 within the immediate area.

13           4. It appears from the intended use that there will not  
14 be a substantially greater amount of traffic generated on the  
15 property.

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

18           That real property described as the

19           "parcel of land generally located on the east  
20 side of Western Avenue, approximately 308 feet  
21 south of Hilyard Avenue, and approximately 490  
22 feet north of the Merrill-Lakeview Junction  
23 bordering the Enterprise Irrigation Ditch to  
the east, and more particularly described as  
being in Section 7, Townsh-p 39, Range 10,  
being Tax Lot 5400, Klamath County, Oregon"

24 is hereby granted a Temporary Permit in accordance with the terms  
25 of the Klamath County Zoning Ordinance No. 35, and henceforth,  
26 will be granted renewal of Temporary Permit No. 77-5 on the

27 ////

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1 subject property for a period of one year.

2 Entered at Klamath Falls, Oregon, this 13<sup>th</sup> Day of

3 July, 1981.

4  
5 KLAMATH COUNTY HEARINGS DIVISION

6 *D. J. Smith*  
Hearings Officer

7  
8  
9  
10 STATE OF OREGON; COUNTY OF KLAMATH; ss.

11 Filed for record at request of Klamath County

12 this 14th day of July A.D. 1981 at 2:58 o'clock P.M., and

13 duly recorded in Vol. MB1, of Deeds on Page 12641.

14 By *Evelyn Biehn* County Clerk

15 No Fee

16  
17 COMMISSIONERS JOURNAL