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1 46645 BEFORE THE HEARINGS OFFICER

2 KLAMATH COUNTY, OREGON

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3 In the Matter of Request for )  
4 Variance No. 1-85 for Bud Spezze, ) Klamath County Planning  
5 (Waterwheel Campground), Applicant ) Findings of Fact and Order  
6 )

7 A hearing was held on this matter on February 7 and  
8 February 21, 1985, pursuant to notice given in conformity with  
9 Ordinance No. 45.2, Klamath County, before the Klamath County  
10 Hearings Officer, Jim Spindor. The applicant was present.

11 The Klamath County Planning Department was represented by  
12 Jonathan Chudnoff. The Hearings Reporter was Judy Whitaker.

13 Evidence was presented on behalf of the Department and  
14 on behalf of the applicant. There was an adjacent property  
15 owner present.

16 The following exhibits were offered, received, and made  
17 a part of the record:

18 Klamath County Exhibit A, Staff Report

19 Klamath County Exhibit B, Site Plan

20 Klamath County Exhibit C, Assessor's Map

21 Klamath County Exhibit D, Letter from Highway Division

22 Klamath County Exhibit E, Photograph

23 The hearing was then closed, and based upon the evidence  
24 submitted at the hearing, the Hearings Officer made the following  
25 Conclusions of Law:

26 CONCLUSIONS OF LAW:

- 27 1. A literal enforcement of the Klamath County Land  
28 Development Code would result in unnecessary hardship for the

1 applicant in that the placement of the applicant's campground  
2 is too far from Highway 97 for a business sign of 50 square  
3 feet in size to be adequately seen by potential customers.

4 2. The condition causing the above-mentioned hardship  
5 was not created by the applicant.

6 3. The granting of this variance will not be detrimental  
7 to the public health, safety and welfare, or to the use and  
8 enjoyment of adjacent properties, and will not be contrary  
9 to the intent of this code.

10 4. The granting of this variance is consistent with the  
11 goals of the L.C.D.C.

12 5. The granting of this variance is subject to the  
13 following condition: Said sign shall not be lighted in the  
14 summer past 11:00 p.m., nor in the winter past 7:00 p.m.

15 FINDINGS OF FACT:

16 This requested variance has been granted with conditions  
17 based on the following findings of fact:

18 1. This application is a request for a variance to  
19 allow an increase in sign size from 50 square feet to 160  
20 square feet. The applicant operates the Waterwheel Campground  
21 on the north bank of the Williamson River. This facility is  
22 dependent on travelers on Highway 97, and a larger sign is  
23 needed because the present one is difficult to see from the  
24 road. The property is about 125 yards from the highway and  
25 is reached via a gravel road.

26 2. The Hearings Officer reviewed the property in ques-  
27 tion and finds that the present sign is, in fact, very  
28 difficult to see from the road.

1           3. The property is in the recreational-commercial zone  
2 and is approximately five acres in size. The area opposite of  
3 the proposed sign is developed for commercial use and includes  
4 the Rapids Cafe, a gas station and a motel.

5           4. The present sign is approximately 4 feet by 12 feet,  
6 and the new sign would be 8 feet by 20 feet; the message would  
7 remain the same: "Waterwheel Campground."

8           5. Neither farm land nor forest land would be affected  
9 by the granting of this variance.

10          6. The Williamson River is an important scenic, fish,  
11 and recreational resource. The proposed sign would be over  
12 200 feet from the river and would not block any views or  
13 access to the river.

14          7. The sign location is within the flood fringe of the  
15 Williamson River. The sign would be built on three poles and  
16 would cause no obstruction to the water flow.

17          8. The sign would not block views or access to the  
18 traffic on the highway.

19          9. Although there was an objection from a nearby land-  
20 owner, from a view of the property it can be seen that only  
21 the residence closest to the sign could be adversely affected  
22 by this request, and evidence was presented that the owner of  
23 this residence has no objections to the granting of this  
24 variance.

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

27          That real property described as:

28          ///

"Being generally located on the north side of the Williamson River, west of Highway 97, and more particularly described as being located in a portion of Government Lot 14, Section 21, Township 35, Range 7,"

is hereby conditionally granted a Variance in accordance with the terms of the Klamath County Zoning Ordinance No. 45.2, and, henceforth, will be allowed to increase sign size from 50 square feet to 160 square feet in the Recreational-Commercial zone.

Entered at Klamath Falls, Oregon, this 7<sup>th</sup> day of March, 1985.

KLAMATH COUNTY HEARINGS DIVISION

*Jim Spindor*

Jim Spindor, Hearings Officer

STATE OF OREGON, )

County of Klamath )

Filed for record at request of

on this 8th day of March A.D. 19 85  
at 11:43 o'clock A M, and out  
recorded in Vol. M85 of Deeds  
Page 3468

EVELYN BIEHN, County Clerk

By *Tom Smith* Deputy

Fee None

Return: Commissioners Journal