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BEFORE THE BOARD OF COUNTY COMMISSIONERS
In and For the County of Klamath, State of Oregon

IN THE MATTER OF THE APPLICATION)
ON APPEAL FOR VARIANCE 76-34,) O R D E R
B.J. MATZEN FOR QUENTIN STEELE)

THIS MATTER came on for hearing before the Klamath County Planning Commission on September 28, 1976, wherein the Klamath County Planning Commission after hearing testimony, reports and information produced at the hearing by the applicant, the Planning Department Staff and other persons in attendance, the Planning Commission continued the application on Variance 76-34, B.J. Matzen for Quentin Steele for decision only to October 12, 1976, wherein the Planning Commission at that time made a motion to send the application of B.J. Matzen for Quentin Steele, being Variance 76-34, to the Board of County Commissioners for a decision. Wherein on October 20, 1976, the Planning Department received a letter of appeal on Variance 76-34 from B.J. Matzen to appeal the above-mentioned Variance 76-34, before the Board of Commissioners pursuant to Article 113 of Ordinance No. 17, the Klamath County Zoning Ordinance. The appeal date was set for Variance 76-34 before the Board of Commissioners on November 5, 1976, at which time the Board of Commissioners continued the same matter to November 16, 1976. Wherein the Board of County Commissioners, after hearing testimony, pertinent evidence, reports and information, produced at the hearing by the applicant, the Planning Department Staff and other persons in attendance, the Board of County Commissioners disapproved Variance 76-34 to allow a Variance from 20 acres to 3.84 acres in the Agricultural Forestry zone under Section 32.005, of Ordinance No. 17, for a particular description of the real property as being a parcel of land situated in the NW¼ of Section 36, Township 39 south, Range 12, wherein the Board of County Commissioners makes the following findings of fact and conclusions of law as required by Ordinance No. 17, the Klamath County Zoning Ordinance:

Findings of Fact:

1. The record shows that the residence, 40 acres of pasture and associated buildings, were in use as a single parcel of property under one ownership at the time of the applicant's purchase and that the applicant was aware of that fact at the time of purchase. The foregoing fact does not make this an extraordinary circumstance as set forth in Article 114, Section 114.001, Paragraph 1 of Ordinance No. 17, the same being the Klamath County Zoning Ordinance.

2. The record shows the applicant purchased the existing house, acreage and buildings as one unit in June of 1976 and by granting this variance the applicant would be gaining a substantial property right, rather than losing one as required under Article 114, Section 114.001, Paragraph 1 of Ordinance No. 17, due to the

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fact that the applicant can sell a portion of the existing acreage plus the house located thereon and the buildings to a prospective buyer, while retaining the balance of the property to integrate with his existing farming and ranching operation.

3. By denying Variance 76-34, the applicant retains the same acreage and existing buildings which he purchased, therefore, the applicant has not lost a substantial property right set forth in Article 114, Section 114.001, Paragraph 1 of Ordinance No. 17, the same being the Klamath County Zoning Ordinance.

Conclusions of Law:

1. There are no exceptional or extraordinary circumstances or conditions applicable to the property involved which do not apply generally to other property in the same vicinity and zone.

2. This variance is not necessary for the preservation and enjoyment of a substantial property right of the applicant which right is possessed by other property owners under like conditions in the same vicinity and zone.

3. The variance requested by the applicant is not the minimum variance from the provisions and standards of this regulation which will alleviate the hardship.

NOW, THEREFORE, IT IS HEREBY ORDERED that the application for a Variance By B.J. Matzen for Quentin Steele from 20 acres to 3.84 acres in the AF (Agricultural Forestry) zone on real property described as being a parcel of land situated in the NW¼ of Section 36, Township 39 South, Range 12, said application being numbered Variance 76-34 is hereby denied.

DONE AND DATED THIS 16th day of December, 1976.

Raymond P. Thorne
Raymond P. Thorne
Chairman

Bryant Williams
Bryant Williams
County Commissioner

Lloyd Gift
Lloyd Gift
County Commissioner

APPROVED AS TO FORM:
Boivin and Boivin
County Legal Counsel
By [signature]

STATE OF OREGON; COUNTY OF KLAMATH; ss.

I hereby certify that the within instrument was received and filed for record on the 17th day of DECEMBER A.D., 19 76 at 10;54 o'clock A M., and duly recorded in Vol M 76, of DEEDS on Page 20149.

FEE NONE.

WM. D. MILNE, County Clerk
By Hazel Dragt Deputy