

BEFORE THE HEARINGS OFFICER
KLAMATH COUNTY, OREGON

In the Matter of Request for)
Variance 78-8 for) Klamath County Planning
Sam Prescott, Applicant) FINDINGS OF FACT AND ORDER

A hearing was held in this matter at Klamath Falls, Oregon, on March 15, 1978, pursuant to notice given in conformity with Ordinance No. 35, Klamath County, before Klamath County Hearings Officer, Jim Spindor. The applicant was present, accompanied by Alan Prescott, his father. 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 no adjacent property owners present who stated they had any 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
Klamath County Exhibit E, Mailing Notices

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

4 FINDINGS OF FACT:

5 1. There are exceptional circumstances that apply to
6 this property not applicable to other property in the area, and
7 that is the fact of the way the property is presently being used
8 for farm use; the Variance is necessary for the particular use.
9 It is necessary to preserve the right to have a potato shed on
10 the property which is necessary for the operation.

11 2. There has been no testimony in opposition to the
12 Variance, and there was no evidence that there would be any
13 detrimental affects to the public health, safety, convenience, or
14 welfare.

15 3. The requested Variance is the minimum Variance that
16 will allow the particular use of the property that is requested,
17 and also, the Variance will not allow use of the property for a
18 purpose which is not authorized in the zone.

19 4. The Variance is granted on the condition that all
20 the setback requirements and also all of the building codes be
21 met in order to prevent any detriment.

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

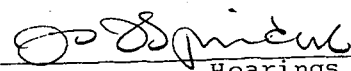
24 That real property described as the

25 "parcel of land 1.7 acres in size
26 generally located on the south side
27 of Transformer Road, approximately
28 ½ mile east of Poe Valley Road and
approximately 1½ mile northwesterly
of Malin and more particularly de-
scribed as the NE¼, SE¼ and portion
of the W¼, SE¼ lying north and above
the Shasta Way Low Line Canal, all
in Section 5 T41S, R12 E.W.M.,
Klamath County, Oregon"

1 is hereby granted a Variance in accordance with the terms of the
2 Klamath County Zoning Ordinance No. 17 and henceforth the
3 required 20 acre minimum requiremtne will be reduced from 20 acres
4 to 1.7 acres.

5 Entered at Klamath Falls, Oregon, this 16th day
6 of MARCH, 1978.

7
8 KLAMATH COUTNY HEARINGS DIVISION

9
10 By 
11 Hearings Officer
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Klamath County - Planning Department

5361

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

IN THE MATTER OF
MAILING NOTICES FOR

Sam Alcott

Varianes 78-8

STATE OF OREGON
County of Klamath

AFFIDAVIT OF MAILING

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 17th of March, 1978, I did deposit in
the U.S. postal system 5 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 17th day of
March 19 78.

Paul C. Shuck
NOTARY PUBLIC FOR OREGON

My commission expires

Aug 3rd, 1980

Copies of the Order for Variance 78-8, Sam Prescott, were sent to the following:

Sam Prescott
Star Route
Box 112-A
Malin, OR 97632

Alan Prescott
Star Route
Box 72
Malin, OR 97632

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

STATE OF OREGON; COUNTY OF KLAMATH; ss.
Filed for record at request of Klamath County
this 21st day of March A. D. 19 78 at 11:53 o'clock A. M., and
fully recorded in Vol. M78, of Deeds on Page 5358

Wm D. MILNE, County Clerk
By Dorothy D. Litch

No Fee