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Vol. <sup>m</sup> 78 Page <sup>clerk</sup> 7009BEFORE THE HEARINGS OFFICER  
KLAMATH COUNTY, OREGON

In the Matter of Request for )  
Variance 78-4 for ) Klamath County Planning  
Ray Patton, 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 Mrs. Patton. 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

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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 and extraordinary circumstances  
6 applicable to the property involved which do not generally apply  
7 to other property in the same vicinity and zone due to the unusual  
8 topography of this particular piece of land.

9           2. The granting of the variance is necessary for the  
10 preservation and enjoyment of the applicant's right to construct  
11 an additional residence on his property; a right which is possessed  
12 by other property owners in the same vicinity.

13           3. No one testified in opposition to the variance and  
14 there was no evidence that suggested that there would be any  
15 detrimental effect on the public health, safety and convenience  
16 or welfare.

17           4. The requested Variance from 15 acres to a variance  
18 of one 5-acre parcel and a 10-acre parcel is the minimum variance  
19 which will alleviate the hardship.

20           5. The variance requested will not allow use of the  
21 property for a purpose which is not authorized within the zone  
22 which the property is located.

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

25           That real property described as the

26           "parcel of land generally located  
27 near Olene, East of Crystal Springs  
28 Road, past the bridge at Olene Gap  
and more particularly located on  
Tax Lot 200, Section 22, Township 39  
South, Range 10 East of the Willamette  
Meridian, Klamath County, Oregon."

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1 is hereby granted a Variance in accordance with the terms of the  
2 Klamath County Zoning Ordinance No. 17 and henceforth the 15-acre  
3 parcel requirement for constructing a dwelling in the A (Agricul-  
4 tural) Zone will be reduced to one 5-acre parcel and one 10-acre  
5 parcel for the purpose of constructing a single family dwelling.

6 Entered at Klamath Falls, Oregon, this 10<sup>th</sup> day  
7 of April, 1978.

8  
9 KLAMATH COUNTY HEARINGS DIVISION

10  
11 By [Signature]  
12 Hearings Officer  
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# Klamath County - Planning Department

COURTHOUSE — 503-882-2501, Ext. 265 — KLAMATH FALLS, OREGON 97601

IN THE MATTER OF  
MAILING NOTICES FOR  
*variance 78-4 for*  
*Ray Patton*

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 April, 1978, I did deposit in  
the U.S. postal system four 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  
April 19 78.



James Hoffman  
NOTARY PUBLIC FOR OREGON

My commission expires

2/14/81



Orders for VAriance 78-4 for Ray Patton were  
sent to the following:

Board of Commissioners  
Courthouse Annex  
Klamath Falls, Oregon 97601

Clerk's Office  
Courthouse  
Klamath Falls, OR 97601

Assessor's Office  
Courthouse Annex  
Klamath Falls, OR 97601

Ray Patton  
Rt 2 Box 737-D  
Klamath Falls, OR 97601

STATE OF OREGON; COUNTY OF KLAMATH; ss.

Filed for record at request of Klamath County

was 19th day of April A. D. 19 78 at 11:40 o'clock A. M., and

fully recorded in Vol. 573, of Deeds on Page 7609

W. D. MILNE, County Clerk

No Fee

*Bernetha M. Fitch*

*Evelyn for*

*Commissioners Journal*