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BEFORE THE HEARINGS OFFICER

KLAMATH COUNTY, OREGON

In the Matter of Request for)
Variance 78-13 for) Klamath County Planning
Richard Vaughn, Applicant) FINDINGS OF FACT AND ORDER

A hearing was held in this matter at Klamath Falls, Oregon, on May 10, 1978, pursuant to notice given in conformity with Ordinance No. 35, Klamath County, before Klamath County Hearings Officer, Del Parks. The applicant was present accompanied by Mr. Charles Dehlinger. 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 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
Applicant's Exhibit 1, Plot Plan

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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 is a ditch nearly in the center of the subject
6 property for irrigation purposes. It is an extraordinary circum-
7 stance in that the natural and proper method in which to divide
8 the piece of property would be on the ditch rather than to require
9 an arbitrary division that would make some of the property
10 unusable. This is an extraordinary circumstance not generally
11 applicable to other properties in the area, and other properties
12 in the area do not comply with the minimum lot size.

13 2. No one testified in opposition to the granting of
14 the Variance, and there was no evidence which suggests that the
15 granting of the Variance would be detrimental to the public health,
16 safety, and welfare or injurious to other property improvements
17 in the area.

18 3. The proposed division is the minimum Variance re-
19 quired to accomplish the purpose of the Variance.

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

22 That real property described as the

23 "parcel of land lying easterly of the
24 Gale lateral and approximately 5 miles
25 east of the Town of Bonanza, west of
26 the Gale Road and south of East Langell
27 Valley Road and more particularly
28 described as Government Lot 7, NE $\frac{1}{4}$ NE $\frac{1}{4}$
of Section 3, Township 40 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
3 required 20 acre minimum in an AF (Agricultural Forestry) Zone
4 under Section 32.005 will be reduced to 17 acres on a parcel of
5 the subject property.

6 Entered at Klamath Falls, Oregon, this 15 day
7 of May, 1978.

8
9 KLAMATH COUNTY HEARINGS DIVISION

10
11 By Dal Paulk
12 Hearings Officer
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Klamath County - Planning Department

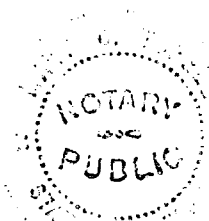
COURTHOUSE — 503-882-2501, Ext. 285 — KLAMATH FALLS, OREGON 97601

IN THE MATTER OF
MAILING NOTICES FOR*Richard Vaughn*

AFFIDAVIT OF MAILING

STATE OF OREGON
County of Klamath

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 16th of May, 1978, I did deposit in the U.S. postal system SIX 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 RodriguezSUBSCRIBED and sworn to before me this 16th day ofMay 19 78.Mary C. Todd
NOTARY PUBLIC FOR OREGON

My commission expires

2-6-82

WE ARE AN EQUAL OPPORTUNITY EMPLOYER

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Copies of the order for Variance 78-13 for Richard Vaughn
were sent to the following:

Board of Commissioners
Courthouse Annex
Klamath Falls, OR 97601

Clerk's Office
Courthouse
Klamath Falls, OR 97601

Assessor's Office
Courthouse
Klamath Falls, OR 97601

Richard Vaughn
Route 1 Box 44
Bonanza, OR 97623

Bud Smith
540 Main
Klamath Falls, OR 97601

Charles Dehlinger
c/o Chuck Fisher & Associates
430 Main
Klamath Falls, OR 97601

STATE OF OREGON; COUNTY OF KLAMATH; ss.

and for record at request of Klamath County Planning

on 17th day of May A. D. 1978 at 3:03 o'clock P. M.

is recorded in Vol. M78, of Deeds on Page 10325

Wm D. MILNE, County Clerk

By Bernitha J. Helock

No Fee