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Vol. <sup>m</sup>78 Page 14425

BEFORE THE HEARINGS OFFICER

KLAMATH COUNTY, OREGON

In the Matter of Request for )  
Variance 78-24 for ) Klamath County Planning  
Ralph Hunter, Jr., Applicant ) FINDINGS OF FACT AND ORDER

A hearing was held in this matter at Klamath Falls, Oregon, on June 14, 1978, pursuant to notice given in conformity with Ordinance No. 35, Klamath County, before Klamath County Hearings Officer, Jim Spindor. The applicant was represented by his father, Ralph Hunter, Sr., who was accompanied by the applicant's attorney, Steve Orcutt. 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 was one adjoining property owner present who stated he 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, a certificate of satisfactory completion of the sewage system from DEQ

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1 Area Committee Exhibit 1, Letter from the Area  
2 Committee recommending approval of the Variance

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

6 FINDINGS OF FACT:

7 1. There are exceptional and extraordinary circum-  
8 stances that exist in this particular case, due to the nature of  
9 the property and the fact that if this is not allowed, it will be  
10 detrimental to the farming operation which is in existence on his  
11 property.

12 2. The granting of this Variance is necessary for the  
13 preservation and enjoyment of the applicant's right to continue  
14 the farming operation without having to change the mainline irri-  
15 gation pipe.

16 3. There has been no testimony that would suggest that  
17 there would be any detrimental affect on the public health,  
18 safety, or welfare by the granting of the Variance.

19 4. The Variance requested is the minimum Variance that  
20 is necessary because of the existing fence line and the existing  
21 irrigation pipeline.

22 5. The granting of the Variance will not allow use of  
23 the property for a purpose that is not authorized in this partic-  
24 ular zone.

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

27 That real property described as the  
28

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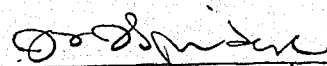
"parcel of land located on the south side of Old Midland Road, approximately 3/4 miles east of Tingley Lane Road and Falcon Heights Subdivision and more particularly described as situated in the NE $\frac{1}{4}$  NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 4, Township 40 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon"

is hereby granted a Variance in accordance with the terms of the Klamath County Zoning Ordinance No. 17 and henceforth the required minimum lot size will be reduced from 20 acres to approximately 5.58 in size.

Entered at Klamath Falls, Oregon, this 19<sup>th</sup> day of June, 1978.

KLAMATH COUNTY HEARINGS DIVISION

By



Hearings Officer

14428

IN THE MATTER OF )  
 Variance 78-24 )  
 STATE OF OREGON )  
 County of Klamath )

## AFFIDAVIT OF MAILING

FOR

Ralph Hunter, Jr.

The undersigned certifies that as an employee of the Klamath County Planning Department she served the foregoing on the parties on June 28, 1978, by depositing a copy of said Findings of Fact and Order in a sealed envelope in the United States mail at Klamath Falls, Oregon, with postage thereon fully prepaid and addressed to the said parties at their last known place of business or residence, as follows:

Ralph D. Hunter, Jr.  
 2520 Old Midland Road  
 Klamath Falls, OR 97601

Assessor's Office  
 Courthouse Annex  
 Klamath Falls, OR 97601

Steve Orcutt  
 3949 South Sixth  
 Klamath Falls, OR 97601

Clerk's Office  
 Courthouse  
 Klamath Falls, OR 97601

County Commissioners  
 Courthouse Annex  
 Klamath Falls, OR 97601

Isabel Rodriguez  
 Hearings Reporter

SUBSCRIBED and sworn to before me this 28<sup>th</sup> day of June, 1978.

Mary C. Sobell  
 NOTARY PUBLIC FOR THE STATE OF OREGON  
 My Commission Expires:

Commissioner Journal  
 STATE OF OREGON; COUNTY OF KLAMATH; ss.

I hereby certify that the within instrument was received and filed for record on the 5th day of July A.D., 1978 at 4:28 o'clock P. M., and duly recorded in Vol. M78 of Deeds on Page 14425.

FEE None

WM. D. MILNE, County Clerk

By Burchett Deputy