

53881

BEFORE THE HEARINGS OFFICER

Vol.

Page 18624

KLAMATH COUNTY, OREGON

In the Matter of Request for )  
Variance 78-27 for ) Klamath County Planning  
Henry O'Keefe ) FINDINGS OF FACT AND ORDER

A hearing was held in this matter at Klamath Falls, Oregon, on July 12, 1978, pursuant to notice given in conformity with Ordinance No. 35, Klamath County, before Klamath County Hearings Officer, Jim Spindor. The applicant was present. 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
- Klamath County Exhibit E, a letter from the Area Committee recommending approval of the Variance

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 which apply to this property which do not apply generally to other  
7 property in the area in that there is three-fourths of an acre  
8 which is cut away from the rest of the property and is confined by  
9 its physical boundaries and that it does contain a residence and a  
10 yard.

11           2. The granting of the Variance is necessary for the  
12 preservation of the applicant's right to dispose of this piece of  
13 property which he cannot use in his general farming operation.

14           3. No one testified in opposition to the Variance, and  
15 there was no evidence suggesting that the Variance would be  
16 detrimental to the effects of the public health or welfare.

17           4. The requested Variance to three-fourths of an acre  
18 is the minimum Variance which would alleviate the hardship due  
19 to the fact that the natural boundaries create this hardship.

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 generally located on the  
24 south side of the Old Dalles-California  
25 Highway, approximately one-fourth a mile  
26 east of Malin, with the 11-B-1 Drain  
27 bordering to the south of the property  
28 and more particularly described as lots  
3 and 6, Township 41 South, Range 12  
East of the Willamette Meridian, Klamath  
County, Oregon"

18626

1 is hereby granted a Variance in accordance with the terms of the  
2 Klamath County Zoning Ordinance No. 17 and henceforth the required  
3 lot size in the AF (Agricultural-Forestry) Zone will be reduced  
4 from 20 acres to approximately 180 feet by 180 feet in size.

5 Entered at Klamath Falls, Oregon, this 17<sup>th</sup> day  
6 of July, 1978.

7  
8 KLAMATH COUNTY HEARINGS DIVISION

9  
10 By Jo S. [Signature]  
11 Hearings Officer  
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IN THE MATTER OF )  
 )  
 Variance 78-27 )  
 )  
 STATE OF OREGON )  
 )  
 County of Klamath )

## AFFIDAVIT OF MAILING

FOR

HENRY O'KEEFFE

The undersigned certifies that as an employee of the Klamath County Planning Department she served the foregoing on the parties on August 15, 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:

County Commissioners  
 Courthouse Annex  
 Klamath Falls, OR 97601

Clerk's Office  
 Courthouse  
 Klamath Falls, OR 97601

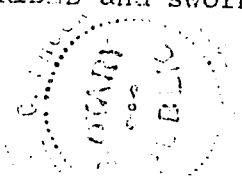
Assessor's Office  
 Courthouse Annex  
 Klamath Falls, OR 97601

Henry O'Keeffe  
 P.O. Box 286  
 Malin, OR 97632

Juliann O'Keeffe  
 P.O. Box 215  
 Malin, OR 97632

Isabel Rodriguez  
 Hearings Reporter

SUBSCRIBED and sworn to before me this 15 day of August, 1978.



Paul C. Shuck  
 NOTARY PUBLIC FOR THE STATE OF OREGON  
 My Commission Expires:

STATE OF OREGON; COUNTY OF KLAMATH, ss. :

I hereby certify that the within instrument was received and filed for record on the 15 day of August A.D., 19 78 at 1:55 o'clock P.M., and duly recorded in Vol. 172 of De ds on Page 18634.

FEE None

WM. D. MILNE, County Clerk  
 By Shirley S. Milne Deputy