

## BEFORE THE HEARINGS OFFICER

## KLAMATH COUNTY, OREGON

In the matter of Request for )  
Variance 78-54 for Veril Key, ) Klamath County Planning  
Applicant ) Department  
FINDINGS OF FACT AND ORDER

A Hearing was held in this matter at Klamath Falls, Oregon, on February 14, 1979, pursuant to notice given in conformance with Ordinance No. 35, Klamath County, before the Klamath County Hearings Officer, Jim Spindor. The Applicant was present. The Klamath County Planning Department was represented by Carl Shuck. The Hearings Reporter was Susan Baggett.

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. John Kite, Chairman of the Keno Area Committee, was present and stated that the Keno Area Committee had no objections to the proposed Variance.

The following Exhibits were offered, received, and made a part of the record:

- Klamath County Exhibit A, the Staff Report
- Klamath County Exhibit A-1, an Attachment
- Klamath County Exhibit B, photographs of the subject property
- Klamath County Exhibit C, the Assessor's Map of the subject property
- Klamath County Exhibit D, the Zoning Map
- Klamath County Exhibit E, the Comprehensive Land Use

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Map

Applicant's Exhibit No. 1, the Plot Plan  
Area Committee Exhibit No. 1, a letter from the  
Midland-Worden-Lower Lake Area Committee stating that  
the Committee favors the proposed Variance

The hearing was then closed, and based upon the evi-  
dence submitted at the hearing, the Hearings Officer made the  
following Findings of Fact:

FINDINGS OF FACT:

1. There are exceptional and extraordinary circum-  
stances which are applicable to this property which do not  
generally apply to other properties in the same vicinity, in  
that the 7.1 acres which is requested is presently separated from  
the other property by a roadway as well as a fence line.

2. A granting of this Variance is necessary for the  
preservation and enjoyment of a substantial property right of  
the Applicant, which is possessed by other property owners in  
the area, which is the right to have full use of his property.

3. The granting of the requested Variance will in no  
way be detrimental to the public health, safety, or welfare.

4. The requested Variance is the minimum Variance  
is the minimum Variance which will alleviate the hardship.

5. The granting of the Variance is consistent with  
the Goals of LCDC.

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

That real property described as the

(continued on Page 3)

"Township 40 South, Range 8, East of  
the Willamette Meridian, Section 33 and 32"

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is hereby granted a Variance in accordance with the terms of  
Klamath County Ordinance No. 35 from 30 acres to 7.1 acres.

Entered at Klamath Falls, Oregon this 6<sup>th</sup> day

MARCH, 1979.

KLAMATH COUNTY HEARINGS DIVISION

By *[Signature]*  
Hearings Officer

STATE OF OREGON; COUNTY OF KLAMATH; ss.

Filed for record at request of Klamath County

this 7th day of March A. D. 1979 at 4:17 clock P M., and

is recorded in Vol. M79, of Deeds on Page 5233

Wm D. MILNE, County Clerk

No Fee

By *[Signature]*

Commissioners Journal