

BEFORE THE HEARINGS OFFICER

KLAMATH COUNTY, OREGON

In the Matter of Request for)
Variance No. 79-35 for Columbia) KLAMATH COUNTY PLANNING
Plywood, Applicant) FINDINGS OF FACT AND ORDER

A hearing was held in this matter at Klamath Falls, Oregon, on October 10, 1979, pursuant to notice given in conformity with Ordinance No. 35, Klamath County, before the Klamath County Assistant Hearings Officer, Jim Uerlings. The applicant was represented by H. F. Smith, Attorney at Law, and Richard H. Wonner, Industrial Engineer for Columbia Plywood, and Ernest O'Giablyn, representing the engineering firm. The Klamath County Planning Department was represented by Jonathan Chudnoff. The Hearings Reporter was Barbara Thomson.

Evidence was presented on behalf of the Department and on behalf of the applicant. There was one adjacent property owner present who stated he had no objection to the 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, photo of subject property
Klamath County Exhibit C, Klamath County Assessor's Map of subject property

Applicant's Exhibit No. 1, aerial photo
Applicant's Exhibit No. 2, installation plan

The hearing was then closed, and based upon the evidence submitted at the hearing, the Assistant Hearings Officer made the

1 following Findings of Fact:

2 FINDINGS OF FACT:

3 1. There are exceptional and extraordinary circum-
4 stances which apply to this property which do not generally apply
5 to other property in the area in that this is the only place on
6 the applicant's property where it would be suitable to place
7 this structure to be economically usable.

8 2. The granting of this variance is necessary for the
9 preservation and enjoyment of a substantial property right which
10 is possessed by other property owners under like conditions in the
11 same vicinity and zone.

12 3. The granting of the requested variance will not be
13 materially detrimental to the public health, safety, convenience
14 and welfare or injurious to the property improvements in the same
15 vicinity and zone in which the property affected is located.

16 4. Any increase in traffic would not be significant.

17 5. The variance requested is the minimum variance from
18 the provisions and standards of this regulation which will allevi-
19 ate the hardship.

20 6. No one testified in opposition to the variance, and
21 there was no evidence that there would be any detrimental effect
22 to the public health, safety, or welfare, or any detrimental
23 effect to abutting property owners.

24 7. The variance requested will not allow use of the
25 property for a purpose which is not authorized within the zone
26 within which the property is located.

27 8. The granting of this variance is consistent with
28 the goals of the L.C.D.C.

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

3 That real property described as the
 4 "parcel of land approximately 14.8 acres in size
 5 and generally located east of Highway 97, bordered
 6 on the north by Reames Golf and Country Club and
 7 on the south by the Klamath River, and more partic-
 ularly described as Township 39, Range 9, Section
 18, Tax Lot 1400, Klamath County, Oregon"

8 is hereby granted a variance in accordance with the terms of the
 9 Klamath County Zoning Ordinance No. 35, and, henceforth the
 10 yard setback from 150 feet to 65 feet will be allowed in the M-3
 11 (Heavy Manufacturing Industrial) zone.

12 Entered at Klamath Falls, Oregon, this 19 day of
 13 December, 1979.

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 15
 16 KLAMATH COUNTY HEARINGS DIVISION
 17 BY James R. Jennings
 18 Assistant Hearings Officer

19
 20 STATE OF OREGON; COUNTY OF KLAMATH; ss.

21 filed for record at request of Klamath County
 22 this 21st day of December A. D. 1979 at 3:08 clock P.M., and
 23 duly recorded in Vol. 1179, of Deeds on Page 29344

24 Wm. D. MILNE, County Clerk
 25 By Michael J. Schuch

26 Notice