

## BEFORE THE HEARINGS OFFICER

KLAMATH COUNTY, OREGON

In the Matter of Request for) Klamath County Planning  
Variance for Minor Partition) Findings of Fact and Order  
No. 39-82 for Bill Jolly)

A hearing was held on this matter on May 20, 1982, pursuant to notice given in conformity with Ordinance No. 45, Klamath County, before the Klamath County Hearings Officer, Jim Spindor. The applicant's representative was present. The Klamath County Planning Department was represented by Becky Achten. The Hearings Reporter was Barbara Thomson.

Evidence was presented on behalf of the Department and on behalf of the applicant.

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

Klamath County Exhibit A, Staff Report  
Klamath County Exhibit B, Tentative Map of Partition  
Klamath County Exhibit C, Klamath County Assessor's Map  
Klamath County Exhibit D, Code Requirements  
Klamath County Exhibit E, Department of Public Works  
Comments

Klamath County Exhibit F, Interim Measures Form  
Applicant's Exhibit 1, Warranty Deed  
Applicant's Exhibit 2, Authorization to Act as Agent

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

1        1. There are exceptional and extraordinary circumstances  
2 which apply to the property involved which do not generally apply  
3 to other property in the vicinity, in that applicant's property  
4 is steeper and rocky along the northern property line. Also,  
5 farming has taken place on applicant's property for over twenty  
6 years and the granting of this variance will prevent interference  
7 with said farming operation.

8        2. The granting of this variance is necessary for the  
9 preservation and enjoyment of the applicant's right to make full  
10 use of his property, a right which is possessed by other property  
11 owners in the vicinity. If this variance is not granted, undue  
12 hardship will be caused to the owner.

13       3. There was no testimony in opposition to the granting of  
14 this variance, and there is no evidence in the record that there  
15 would be any detrimental effect to the public health, safety or  
16 welfare, or any detrimental effect to any abutting property  
17 owners.

18       4. The required variance is the minimum variance which will  
19 alleviate the hardship due to the size of the applicant's property  
20 and the present farming operation thereon.

21       5. The granting of this variance will not allow use of the  
22 property for a purpose which is not authorized within the zone  
23 within which the property is located.

24       6. The granting of this variance is consistent with the  
25 goals of the L.C.D.C.

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

28       / / /

1 That real property described as the

2 "parcel of land generally located approximately 1½  
3 miles northwest of Malin, Oregon, approximately 1/2  
4 mile east of North Malin Road, and 1/4 mile north  
of Malin Loop Road, and more particularly described  
as being the SW¼ SW¼ of Section 2, Township 41, Range  
12, Tax Account No. 128-8, Klamath County, Oregon"

5 is hereby granted a variance for lot depth to width ratio on  
6 Parcel No. 1 of Minor Partition 39-82.

7 Entered at Klamath Falls, Oregon, this 29<sup>th</sup> day of  
8 MAY, 1982.

10 KLAMATH COUNTY HEARINGS DIVISION

11 *Do [Signature]*  
12 Hearings Officer

13  
14  
15  
16 STATE OF OREGON; COUNTY OF KLAMATH; ss.

17 Filed for record . 11:29  
18 this 28 day of May A.D. 19 82 at 11:29 o'clock A.M. in  
19 duly recorded in Vol. M 82, of Deeds on a.c. 6742

20 N<sup>O</sup> Fee

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28 By *[Signature]* EVELYN BIEHN, County Clerk