

BEFORE THE PLANNING COMMISSION

15725

KLAMATH COUNTY, OREGON

Vol. 118

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1 In the Matter of Request for a)
2 Variance in Conjunction with Minor) Klamath County Planning
3 Partition No. 46-82 for Avon Cummins) Findings of Fact and Order
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6 A hearing was held on this matter on June 27, 1982
7 pursuant to notice given in conformity with Ordinance No. 45,
8 Klamath County, before the Klamath County Planning Commission.
9 The applicant was present. The Klamath County Planning Department
10 was represented by the staff. The Hearings Reporter was
11 Carla Crumrine.

12 Evidence was presented on behalf of the Department and
13 on behalf of the applicant. There were no adjacent property
14 owners present who stated they had objections to the proposed
15 Variance requested by the applicant.

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

18 Klamath County Exhibit A, Staff Report

19 Klamath County Exhibit B, Tentative map of Partition

20 Klamath County Exhibit C, Klamath County Assessor's Map
21 of subject property, being CLUP and zone map.

22 Klamath County Exhibit D, Code Requirements

23 Klamath County Exhibit E, Public Works Comments

24 Klamath County Exhibit F, Variance Application

25 The hearing was then closed, and based upon the evidence
26 submitted at the hearing, the Planning Commission made the
27 following Findings of Fact:
28

FINDINGS OF FACT:

1. There are exceptional and extraordinary circumstances which apply to the property involved which do not generally apply to other property in the vicinity, in that the original lot which was legally created prior to the adoption of Ordinance 45 would have required the depth to width ratio under the new ordinance. By splitting the 20 acre parcel, the need for the variance was established. The owner, therefore, did not create the hardship which required the variance. The shape of the parcel was determined by pre-existing owners patterns.

2. The exceptional and extraordinary circumstances applying to this property involve the topography of the property which is situated on a part of Turkey Hill and the Malin High Line Canal which forms the easterly property boundary. In order for both parcels to have access and a portion of level land, the parcels were designed as they appear on the partition map.

3. The granting of the variance will not be materially detrimental to the public health, safety, or welfare and will not impair an adequate supply of light and air to adjacent property.

The Planning Commission, based on the foregoing Findings of Fact, accordingly orders as follows:

That real property described as the

"parcel of land generally located at the southwest corner of Transformer and Turkey Hill Roads, near Malin, Oregon and more particularly described as being a portion of Sections 4 and 9, all in T. 41, R. 12, being Tax Lots 26 and 84.

is hereby granted a Variance for lot depth to width ratio for the purpose of partitioning.

12557

Entered at Klamath Falls, Oregon, this 21st Day of September, 1982.

KLAMATH COUNTY PLANNING COMMISSION

Gordon DeArmond
Chairman Gordon DeArmond

Dick Nellipowitz
Member Dick Nellipowitz

Gilbert Moty
Member Gil Moty

Steve Miller
Member Steve Miller

Nona Hagelstein
Member Nona Hagelstein

STATE OF OREGON,)
County of Klamath)
Filed for record at request of

Planning Dept.

on this 22 day of Sept A.D. 19 82
at 9:45 o'clock A M, and duly
recorded in Vol. M 82 of Deeds
pg. 12555

EVELYN DEHN County Clerk

By [Signature] Deputy

Fee No Fee

APPROVED AS TO FORM
BOIVIN AND BOIVIN

[Signature]