

KLAMATH COUNTY, OREGON

In the Matter of Request for) Klamath County Planning
Variance for Minor Partition) Findings of Fact and Order
No. 8-82 for L.E. Hyatt)

A hearing was held on this matter on May 25, 1982, pursuant to notice given in conformity with Ordinance No. 45, Klamath County, before the Klamath County Planning Commission. The applicant was present. The Klamath County Planning Department was represented by Becky Achten. The Recording Secretary was Carla Crumrine.

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

Applicant's Exhibit No. 1, Sales Agreement

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

FINDINGS OF FACT:

1. There are exceptional and extraordinary circumstances which apply to the property involved which do not generally apply

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1 to other property in the vicinity, in order to give both parcels
2 the greatest share of level land, lots were designed requiring
3 variances due to this topographical condition which is a hardship
4 peculiar to the property.

5 2. The granting of this variance is necessary for the
6 preservation and enjoyment of the applicant's right to make full
7 use of his property, a right which is possessed by other property
8 owners in the vicinity. If this variance is not granted, undue
9 hardship will be caused to the owner. The granting of this
10 variance will enable the applicant to keep the majority of the
11 land he is farming in one parcel.

12 3. There was no evidence presented that there would be
13 any detrimental effect to the public health, safety, or welfare,
14 or any detrimental effect to any abutting property owners due to
15 the granting of this variance.

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

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

22 6. The granting of this variance is consistent with the
23 goals of the L. C. D. C.

24 The Planning Commission, based on the foregoing Findings
25 of Fact, accordingly order as follows:

26 That the real property described as the

27 "parcel of land generally located west of Dodd's
28 Hollow Road and north of Anderson Road, approximately

3 1/2 miles northeast of Merrill, Oregon, and more particularly described as a portion of Section 32, in Township 40, Range 11, Tax Account Number 108-132-1, Klamath County, Oregon.

is hereby granted a variance for lot depth to width ratio on Parcel No. A of Minor Partition No. 8-82.

Entered at Klamath Falls, Oregon, this 2nd Day of December, 1982.

KLAMATH COUNTY PLANNING COMMISSION

Gordon DeArmond
Gordon DeArmond, Chairman

John Monfore
John Monfore, Member

Gil Moty
Gil Moty, Member

Dick Nellipowitz
Dick Nellipowitz, Member

Georgia Dehlinger
Georgia Dehlinger, Member

APPROVED AS TO FORM:
Boivin & Boivin

By Robert D. Boivin

STATE OF OREGON; COUNTY OF KLAMATH; ss.

Filed for record .

This 2 day of Dec, A.D. 19 82 at 2:31 o'clock P.M., and

duly recorded in Vol. M82, of Deeds on page 16840

Var. for MNP 8-82

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No Fee
commissioners Journal

EVERETT BEHN, County Clerk

By John Monfore