

BEFORE THE HEARINGS OFFICER OF KLAMATH COUNTY, OREGON

In the Matter of the citation)
 against DAVID DEIDRICH)
)
)

Violation Case No. 11-87
 FINDINGS OF FACT, CONCLUSIONS
 OF LAW AND ORDER

This matter came before Hearings Officer William M. Ganong on August 20, 1987 in the Klamath County Commissioner's Hearing Room. The Hearing was held pursuant to the Notice given in conformity with the Klamath County Land Development Code and related ordinances. The applicant represented himself at the Hearing. The Klamath County Planning Department was represented by Mr. Kim Lundahl and the Recording Secretary was Karen Burg. The Klamath County Planning Department file and all contents thereof were incorporated in the record as evidence. The County Hearings Officer, after reviewing the evidence presented, makes the following Findings of Fact, Conclusions of Law and Decision:

FINDINGS OF FACT:

David Deidrich was cited by the Klamath County Planning Department on July 30, 1987 pursuant to the provisions of Article 14 of the Land Development Code. The citation issued by the Planning Department alleges the violation of Code Section 51.003. Mr. Deidrich is more particularly alleged to have maintained an auto wrecking yard in an R5 Zone which does not permit that industrial use. The term "auto wrecking yard" is defined in Section 93.005 (J). The Planning Department has received complaints from the neighbors concerning the activities on Mr. Deidrich's property. The Planning Department, prior to issuing

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this citation, attempted to reach an agreement with Mr. Deidrich for the removal of the nonoperating vehicles and parts on the property. However, Mr. Deidrich failed to comply with the terms of the agreement made with the Planning Department. Mr. Deidrich testified that, in fact, there are more than three automobiles in a nonoperating condition located on the subject property. Mr. Deidrich testified that two of the automobiles are not owned by him but by another person and he does not have the ability to do anything about them.

ORDER:

David Deidrich is in violation of the provisions of the Klamath County Land Development Code as he is maintaining an auto wrecking yard as defined in the Code in a zone which does not allow said use. It is hereby Ordered as follows:

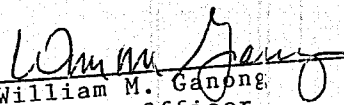
1. Mr. Deidrich shall provide a complete written listing of all vehicles and parts thereof located on the subject property which is more particularly described as Klamath County Tax Lot No. 4008-06-2400. Said list shall be furnished to the Planning Department on or before September 10, 1987.
2. The respondent shall meet with the Code Enforcement Officer from the Planning Department and the Hearings Officer on the subject property prior to September 18, 1987 to identify what vehicles and parts will be removed from the subject property in order to abate the Code Violation.
3. The respondent shall remove the vehicles and parts identified by the parties from the subject property and bring the

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property into conformance with the requirements of the Klamath County Land Development Code on or before November 20, 1987.

In the event that Mr. Deidrich fails to comply with the terms of this order, then the Planning Director of Klamath County, Oregon is ordered to direct this citation to the Klamath County District Attorney or other appropriate representative of the County for prosecution in the manner provided by the Klamath County Land Development Code.

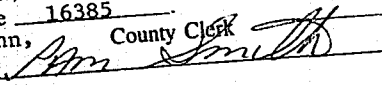
Dated this 4th day of September, 1987.


William M. Ganong
Hearings Officer

Klamath County Land Development Code Section 24.007 provides:

"An Order of the Hearings Officer shall be final unless appealed within ten (10) days of its mailing by a party having standing in accordance with the procedures set forth in Chapter 3, Article 33 of this Code."

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County Planning Department the 9th day of September A.D., 19 87 at 3:43 o'clock P M., and duly recorded in Vol. M87 on Page 16385
of Deeds Evelyn Biehn, County Clerk
By 

FEE NONE
Return: Commissioners' Journal