

## BEFORE THE HEARINGS OFFICER OF KLAMATH COUNTY, OREGON

In the Matter of the Citation )  
 against MICHAEL NORRIS )  
 )  
 )

Violation Case No. 28-87  
 FINDINGS OF FACT, CONCLUSIONS  
 OF LAW AND ORDER

This matter came before Hearings Officer William M. Ganong on December 3, 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:

Michael Norris was cited by the Klamath County Planning Department on November 9, 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 51.005. Mr. Norris is more particularly alleged to have maintained an auto wrecking yard on property zoned R5, a zone which does not permit that industrial use. The term "auto wrecking yard" is defined in Section 93.005 (J). The Planning Department, prior to issuing this citation, reached an agreement with Mr. Norris whereby he agreed to remove or enclose the

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offending vehicles by November 7, 1987. However, Mr. Norris failed to comply with the terms of the agreement made with the Planning Department. Mr. Norris testified that, in fact, there are more than three automobiles in a nonoperating condition currently located on the subject property.

ORDER:

Michael Norris 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. Norris 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. 3909-15D-1200. Said list shall be furnished to the Planning Department on or before December 30, 1987.

2. Mr. Norris shall meet with the Code Enforcement Officer from the Planning Department and the Hearings Officer on the subject property at 10:00 A.M., January 8, 1988 to identify what vehicles and parts will be removed from the subject property in order to abate the Code Violation.

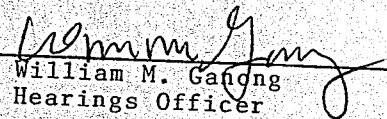
3. Mr. Norris shall remove the vehicles and parts identified by the parties from the subject property and bring the property into conformance with the requirements of the Klamath County Land Development Code on or before February 5, 1988.

In the event that Mr. Norris fails to comply with the terms of this order, then the Planning Director of Klamath County,

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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 17th day of December, 1987.

  
William M. Gansong  
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 Dept. the 24th day  
of December A.D., 19 87 at 10:40 o'clock A M., and duly recorded in Vol. M87  
of Deeds on Page 22887

FEE NONE

Ret: Commissioners' Journal

Evelyn Biehn, County Clerk  
By 