

BEFORE THE HEARINGS OFFICER OF KLAMATH COUNTY, OREGON

In the matter of the violation)
by WILLIAM ANDERSON) VIOLATION
) NO. 20-91
)
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)

This matter came before Michael L. Brant, Hearings Officer for Klamath County, Oregon on June 25, 1993, in the County Commissioners' Hearing Room in Klamath Falls, Oregon. The hearing was held pursuant to notice given in conformity with the Klamath County Land Development Code and related statutes and ordinances. William Anderson was present. The Klamath County Planning Department was represented by Mr. Kim Lundahl, the recording secretary was Ms. Karen Burg. The Klamath County Planning Department file and all the exhibits and other contents therein is incorporated by this reference into this matter.

Testimony was received from Mr. Robert Baggett, R.S., Environmental Health Director of the Klamath County Department of Health Services. Testimony was also received from William Anderson and his attorney, Brad Aspell.

FINDINGS OF FACT

1. William Anderson maintained residential use on tax lot 200, section 19, township 39 south, range 9 East, Willamette Meridian, which is a parcel of land containing approximately 11.62 acres near the intersection of Highway 97 and Joe Wright Road in Klamath County, Oregon.

2. William Anderson knew prior to purchasing the property that there had been no compliance with the Klamath County Land Development Code with regard to use of the property for residential

purposes. No building permit had been obtained, nor had a permit been obtained for construction of a septic system. Mr. Anderson applied for approval of a septic system and approval was denied because of the high water table on the property. Mr. Anderson requested re-evaluation and the permit was again denied. The property is not suitable for a standard system nor is it suitable for an alternative system.

3. Notwithstanding the denials, Mr. Anderson has continued to maintain the property for residential use.

CONCLUSION

William Anderson has been unlawfully and in violation of the Klamath County Land Development Code maintaining the subject property for residential use with the knowledge that no permits had been obtained.

ORDER

It is hereby ordered that the residential use of the subject property be terminated forthwith and that no further residential use be maintained on the property until the requirements of the Klamath County Land Development Code be complied with.

Dated this 9th day of July, 1993.

Michael L. Brant

Michael L. Brant, Hearings Officer

KLAMATH COUNTY LAND DEVELOPMENT CODE SECTION 24.007 PROVIDES:

You are hereby notified this decision may be appealed to the Board of County of Commissioners within seven (7) days of the date of mailing. A notice of appeal along with the required fee must be received by the Planning Department no later than 5 p.m. on the seventh day or the next business day if the seventh day falls on a weekend or holiday.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of _____ the _____ 12th _____ day
of _____ July _____ A.D., 19 93 at 3:24 o'clock _____ P.M., and duly recorded in Vol. _____ M93
of _____ Deeds _____ on Page 16769.

FEE none

Return: Commissioners Journal

Evelyn Biehn County Clerk

By *Dorlene Mullendore*