

## BEFORE THE HEARINGS OFFICER OF KLAMATH COUNTY, OREGON

In the Matter of the Violation/Citation	)	
of	)	Violation/
	)	Citation 79-94
ALLAN WELLBURN,	)	
	)	ORDER
Respondent.	)	
	)	

This matter came before Neal G. Buchanan, Hearings Officer for Klamath County, Oregon, on March 3, 1995, in the Klamath County Museum conference 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. The Klamath County Planning Department was represented by Mr. Kim Lundahl, and the recording secretary was Ms. Karen Burg. The respondent, Allan Wellburn, appeared in person. Offered and introduced into evidence were exhibits A through E.

## FINDINGS OF FACT

The respondent conceded that the non-conforming use, brought to the attention of the hearings officer, was property under his control. However, from the evidence presented, it appears that the real property upon which the non-conforming use is located may not be the same parcel of property described in the Notice of Enforcement Hearing, which describes such property as "at the general location of: Block 47, Nimrod River Park."

## CONCLUSIONS OF LAW

The respondent may be in violation of the Klamath County Land Development Code. However, the respondent should be reserved with

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a Notice of Enforcement Hearing, properly specifying the real property involved, if the description of that real property is not correct in the presently served Notice of Enforcement Hearing.

## ORDER

This matter is continued for a period of one month, during which time respondent is admonished to bring the real property upon which his personal property is located into compliance. Should respondent fail to bring the real property into compliance, another Formal Uniform Citation should be served upon the respondent at the expiration of such thirty-day period.

Dated this 15 day of March, 1995.

Neal G. Buchanan  
NEAL G. BUCHANAN, Hearings Officer

## NOTICE OF APPEAL RIGHTS

You are hereby notified that this Order may be appealed to the Klamath County Board of Commissioners by filing with the Klamath County Planning Department a notice of appeal as set out in Section 33.040 of the Klamath County Land Development Code, together with the fee required within seven (7) days of the mailing date of this Order. Failure to file a notice of appeal within the time provided will result in the loss of your right to appeal this decision.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County the 17th day  
of March A.D., 19 95 at 10:43 o'clock A M., and duly recorded in Vol. M95  
of Deeds on Page 5984.

FEE NONE

RETURN: Commissioners Journal

Bernetha G. Letsch, County Clerk

Bernetha G. Letsch