

## BEFORE THE HEARINGS OFFICER OF KLAMATH COUNTY, OREGON

in the Matter of the Violation by:

DAN DIMMICK

Respondent

ORDER VIOLATION # 10-96

In the Matter of the APPLICATION by:

DAN DIMMICK

Respondent

ORDER CUP 2-99

## 1. NATURE OF THE ASSERTED VIOLATION AND APPLICATION

Respondent is alleged to have been storing numerous items around the perimeter of his store in Bly, including in the road right of ways.

To try and resolve this problem Mr. Dimmic, appropriately, applied for a conditional use permit to allow limited outdoor storage on his property.

## 2. NAMES OF PARTICIPANTS

The hearings officer reviewing this violation is Joan-Marie Michelsen. The Respondent failed to appear. The planning department was represented by Kim Lundahl. The recording secretary Karen Burg. The alleged violator did appear at the hearing. Testimony was also offered by some of the other local residents and a representative from the CAT team.

## 3. LOCATION OF PROPERTY INVOLVED

61311 Hwy 140, on the north side of 140 in Bly.

## 4. EVIDENCE RECEIVED

All evidence consisted of the oral testimony, the materials submitted, and the staff report.

## FINDINGS OF FACT

The Hearings officer FINDS AS FOLLOWS:

- a. The respondent did appear and offered testimony. He described some of the material around the shop and admitted that he didn't really know where his property stopped in front. Mr Dimmic also admitted that he had chained items onto a stop sign. He stated that he had property in back of the building he is occupying.
- b. Members of the community appeared and objected to the condition of the premises. There was testimony that there were often items overflowing into the side street. There was further testimony that the vehicles persistently parked in the front of the shop posed a hazard and had caused at least one accident.
- c. This situation has been an ongoing problem and Mr. Dimmic has had several opportunities to resolve this problem in the past. He has failed to do so.
- d. Mr. Dimmic was told he could fence in a limited amount of his back area, this limitation has been removed and the amount he fences in is up to his discretion.
- e. It is permitted for Mr. Dimmic to get a conditional use permit to allow limited outdoor storage.

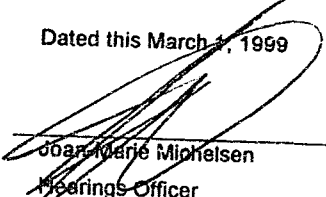
5. ORDER

THEREFORE, IT IS HEREBY ORDERED THAT:

1. The hearings officer finds that as a matter of law the Respondent is in violation of the Klamath County Land Development Code.
2. The enforcement officer is directed to cite the Respondent to appear in the Wood River Justice Court with bail to be set by the court but to be no less than \$1,000 if the conditions of this order are not met.
3. The respondent is granted a conditional use permit for limited outdoor storage on his property subject to meeting ALL the conditions in this permit
4. All vehicles belonging to respondent or his business, family or employees will be removed from the front of the shop.
5. Respondent will contact ODOT and inquire if parking in front of the shop is permitted. If ODOT doesn't object Respondent may allow customers to park there.
6. All materials which are now chained to the stop sign, leaning against the building, sitting around the building on Respondent's or other entities property shall be removed or relocated within 45 days of this order.
7. It will be permitted for Respondent to build, or have built, with proper permits a fenced in area in the back of his property for the storage of items which are for sale.
8. Respondent shall, if he decides to maintain outdoor storage, contact the county to determine exactly where in the back of the building he may build a fence. The fence shall in no circumstances extend past the building on the sides.

9. No items except inventory shall be stored in this outdoor area.
10. The fenced in area must have a fence which is 6" high and can not be seen through. This may be accomplished by a wood fence or by chain-link with privacy barriers in it. The fence shall be properly maintained to provide good screening.
11. Respondent may store a small number of items on the porch of the building, provided that these items take up no more than 50% of the total surface of the porch and do not overhang off the porch at all.
12. Respondent shall not store any items whatsoever in the front or along the sides of the building except on the porch as permitted above.
13. Respondent shall maintain no more than one inoperable vehicle on the premises at any one time.
14. Respondent shall maintain the property so as to maintain compliance with the limitations of this order.
15. Due to the persistent nature of the problems in this location if Mr. Dimmic or any successor in interest fails to meet all conditions of this permit the entire permit is void as of the date that the condition is violated. Therefore, if any condition of this permit is violated, there will be no authorization to store materials outside at all and the County is authorized to pursue enforcement action up to and including abatement.

Dated this March 4, 1999

  
Joan Marie Michelsen  
Hearings Officer

# NOTICE OF APPEAL RIGHTS

Your are hereby notified this application 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 33.004 of the Klamath County Land Development Code together with the fee required within SEVEN DAYS (7) following the mailing date of this order.

STATE OF OREGON : COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County the 2nd day  
of March A.D., 1999 at 10:53 o'clock A. M., and duly recorded in Vol. M99  
of Deeds on Page 7235

FEE

No Fee

Return: Commissioners Journal

Linda Smith, County Clerk

by Kathleen Rosa