

BEFORE THE HEARINGS OFFICER

KLAMATH COUNTY, OREGON

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2
3 In the Matter of Violation)
4 No. 31-85/C.R. and Carol Helt) Klamath County Planning
Findings of Fact and Order

5 A hearing was held on this matter on June 19, 1986, pursuant
6 notice given in conformity with Ordinance No. 45.2, Klamath
7 County, before the Klamath County Hearings Officer, Jim Spindor.
8 The respondent was present. The Klamath County Planning
9 Department was represented by Kim Lundahl. The Hearings Reporter
10 was Janet Libercajt.

11 This order is based on the following Conclusions of Law:

12 CONCLUSIONS OF LAW:

13 1. Mr. and Mrs. Helt are in violation of the Klamath County
14 Land Development Code, Section 51.003, concerning the R-5 (Rural,
15 5 acre minimum) zone, which does not allow a wrecking yard as a
16 permitted use.

17 2. Mr. and Mrs. Helt's property is being used as a wrecking
18 yard as defined by the Klamath County Land Development Code,
19 Section 93.005(J). Such use is in violation of Section 51.003 as
20 it is allowed only in industrial areas.

21 3. Mr. and Mrs. Helt shall conform their use of the property
22 in question to the Klamath County Land Development Code,
23 Section 51.003 on or before August 17, 1986; that is, they shall
24 remove all except two of the vehicles on their property which
25 are not in running condition, and/or parts of such vehicles
26 within said time.

27 FINDINGS OF FACT:
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1 C.R. and Carol Helt have been found in violation of the
2 Klamath County Land Development Code based on the following
3 Findings of Fact:

4 1. The property is located in the Merrill Tracts, off
5 Falvey Road in the Merrill Urban Growth Area. It is 140 feet by
6 100 feet and rectangular in shape.

7 2. The Planning Department first received a complaint on
8 August 12, 1985. Promises were made by the Helts to clean up
9 the violation by May 12, 1986; however, a subsequent inspection
10 indicated that this was not done.

11 3. The violation concerns the accumulation of inoperable/
12 wrecked vehicles and parts at the Helt property which is west of
13 Merrill. See the photograph, Exhibit "D", herein.

14 4. Notice of this hearing was sent to the surrounding
15 property owners, to concerned public agencies and published in
16 the Herald & News, the Klamath Falls newspaper.

17 5. The Helts did not contest that they are in violation of
18 the Code and believe that the matter could be remedied by
19 August 17, 1986.

20 The Hearings Officer, based on the foregoing Findings of
21 Fact, accordingly orders as follows:

22 That real property described as

23 "Being generally located in Merrill Tracts, off Falvey Road,
24 in Merrill Urban Growth Area, and more particularly
25 described as Township 41, Range 10, Section 11AB,
Tax Lot 3700, Klamath County, Oregon,"

26 is to have removed all except two of the vehicles on their
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1 property which are not in running condition, and/or parts of
2 such vehicles by August 17, 1986.

3 Entered at Klamath Falls, Oregon, this 15th Day of
4 July, 1986.

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6 KLAMATH COUNTY HEARINGS DIVISION

7 Jim Spindor
8 Jim Spindor, Hearings Officer
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STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of _____
of July A.D., 19 86 at 8:45 o'clock A M., and duly recorded in Vol. M86
of Deeds on Page 12656.

FEE NONE

Return: Commissioner's Journal

Evelyn Biehn, County Clerk

By Pam Smith

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