

63982

BEFORE THE HEARINGS OFFICER

Vol. 1180 Page 12926

KLAMATH COUNTY, OREGON

In the Matter of Violation 18-86)
Mark Yockey, Respondent)

Klamath County Planning

Findings of Fact and Order

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

This order is based on the following Conclusions of Law:

CONCLUSIONS OF LAW:

1. Mr. Yockey is in violation of the Klamath County Land Development Code, Section 51.004, concerning the R-1 (Rural, 1 acre minimum) zone, which does not allow a wrecking yard as a permitted use.

2. Mr. Yockey's property is being used as a wrecking yard as defined by the Klamath County Land Development Code, Section 93.005(J). Such use is in violation of Section 51.004 of said Code as it is allowed only in industrial areas.

3. Mr. Yockey shall conform his use of the property in question to the Klamath County Land Development Code, Section 51.004 on or before August 21, 1986; that is, he shall remove all except two of the vehicles on his property which are not in running condition, and/or parts of such vehicles within such time.

FINDINGS OF FACT:

Mr. Yockey has been found in violation of the Klamath County Land Development Code based on the following Findings of Fact:

1. The property is located west of Kama Springs Lane, approximately

JUL 24 AM 8 58

1 500 feet south of Viewpoint Drive, south of the Keno School in Keno, Oregon.
2 Kann Springs Lane is located directly south of the Keno School in a well kept
3 rural residential area. The property is zoned R-1 (Rural, 1 acre minimum).

4 2. Notice of this hearing was sent to the surrounding property owners,
5 to concerned public agencies, and published in the Herald and News, the
6 Klamath Falls newspaper.

7 3. A complaint concerning the situation was received by the Planning
8 Department on March 4, 1986. Upon receipt of Warning No. 2 dated March 28,
9 1986, Mr. Yockey contacted the Department and was given until May 6, 1986,
10 to clear the violation. On May 7, 1986, staff visited the site and found it
11 unchanged. Thereafter, Mr. Yockey was given two further warnings, one dated
12 May 8, 1986, and one dated May 16, 1986, and finally a citation was issued on
13 June 6, 1986.

14 4. Mr. Yockey appeared at the hearing and admitted that he had two or
15 more vehicles not in running condition or parts thereof on the property, and
16 stated that he was in the process of removing vehicles and that there should
17 be no problem having this completed by August 21, 1986.

18 5. The Klamath County Land Development Code, Section 93.005(J) defines
19 wrecking yard as "any property where three or more vehicles not in running
20 condition or parts thereof, are: wrecked, dismantled, disassembled or sub-
21 stantially altered for sale or not for sale, and not enclosed; or any land,
22 building or structure used for the wrecking or storing of such motor vehicles
23 or parts thereof for a period exceeding three months."

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

26 That real property described as

27 "Being generally located west of Kann Springs Lane, 500 feet south of
28 Viewpoint Drive, south of Keno School, and more particularly described
as Lot 6, Block 5, Whispering Pines, Klamath County, Oregon,"

VIOLATION 18-86/Yockey

1 is to have removed all except two of the vehicles on his property which are
2 not in running condition, and/or parts of such vehicles by August 21, 1986.
3 Entered at Klamath Falls, Oregon, this 17th Day of July, 1986.

KLAMATH COUNTY HEARINGS OFFICER

Jim Spindor
Jim Spindor, Hearings Officer

17
16
15
14
13
12
11
10
9
8
7
6
5
4
3
2
1
STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of _____
of July A.D., 19 86 at 8:58 o'clock A M., and duly recorded in Vol. M86
of Deeds on Page 12926

FEE NONE

Return: Commissioner's Journal

Evelyn Biehn, County Clerk
By Jim Spindor

28
27
26
25
24
VIOLATION 18-86/Yockey
Page 3