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BEFORE THE HEARINGS OFFICER OF KLAMATH COUNTY, OREGON

In the Matter of the citation)
against HAROLD STARK)
)Violation Case No. 37-87
FINDINGS OF FACT, CONCLUSIONS
OF LAW AND ORDER

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This matter came before Hearings Officer William M. Ganong on February 4, 1988 in the Klamath County Commissioner's Hearing Room. The Hearing was held pursuant to the Notice given in conformity with the Klamath County Land Development Code and related ordinances. The Respondent represented himself at the Hearing. The Klamath County Planning Department was represented by Mr. Kim Lundahl and the Recording Secretary was Karen Burg. The Klamath County Planning Department file and all contents thereof were incorporated in the record as evidence. The County Hearings Officer, after reviewing the evidence presented, makes the following Findings of Fact, Conclusions of Law and Decision:

FINDINGS OF FACT:

1. Harold Stark was cited by the Klamath County Planning Department for maintaining an auto wrecking yard as defined in Land Development Code Section 93.005J in a zone, the R-1 zone, which does not allow said use.
2. Mr. Stark was also cited by Klamath County Nuisance Abatement Officer, Ray La Marche for allowing the accumulation of solid waste in the front and side yards of the Applicant's property located on the Keno-Worden Road, near Keno, Oregon. The property is more particularly described as Klamath County Tax Lot No. 4008-0600-2700.

3. At the Hearing before the Hearings Officer on February 4, 1988, Mr. Stark admitted that he is in violation of the Code Sections referred to above. Mr. Stark stated that dogs tore up the garbage sacks in which the solid waste was stored and scattered the trash around. Mr. Stark also stated that two cars on the property are disabled and that several others are missing batteries and/or gasoline and therefore are not operational.

4. Mr. Stark was cooperative at the Hearing and stated that he would bring his property into compliance with the Nuisance and Land Use Codes as soon as the weather permits.

ORDER:

Harold Stark is maintaining a wrecking yard as defined in LDC § 93.005J on land zoned R-1. Said use is not permitted in said zone. Mr. Stark is maintaining a nuisance, in the form of solid waste, in violation of Nuisance Control Ordinance 36.2.

Harold Stark is Ordered to correct said violations as follows:

1. Harold Stark shall provide to the Klamath County Planning Director a list of all vehicles located on the subject property, which said list shall state whether or not each automobile listed is or is not in running condition; and
2. Harold Stark shall bring the subject property into compliance with the Nuisance Abatement and Land Development Ordinances by April 15, 1988. Mr. Stark shall thereafter demonstrate to the Hearings Officer that not more than three

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vehicles are in a non-running condition and that the said solid waste has been cleaned up and removed from the subject property.

If Mr. Stark fails to comply with this Order, or if he complies with this Order and thereafter fails to strictly conform to the provisions of the Klamath County Comprehensive Land Use Plan and Klamath County Nuisance Control Ordinance, the Code Enforcement Officers shall refer this matter to the Klamath County District Attorney for further action consistent with the law.

Dated this 18th day of February, 1988.

William M. Gahong
William M. Gahong
Hearings Officer

Klamath County Land Development Code Section 24.007 provides:

"An Order of the Hearings Officer shall be final unless appealed within ten (10) days of its mailing by a party having standing in accordance with the procedures set forth in Chapter 3, Article 33 of this Code."

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County Planning Dept. the 23rd day
of February A.D., 19 88 at 4:26 o'clock P M., and duly recorded in Vol. M88
of Deeds on Page 2643

FEE NONE
Ret: Commissioners' Journal

By Evelyn Biehn County Clerk
[Signature]