

BEFORE THE HEARINGS OFFICER OF KLAMATH COUNTY, OREGON

In the Matter of the Citation	)	VIOLATION NO. 27-88 FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION
for Code Violation to SUE C.	)	
WARNER or ADULT OCCUPANT of 6205	)	
Round Lake Road, Klamath Falls, Oregon.	)	

This matter came before William M. Ganong, the Hearings Officer of Klamath County, Oregon, on July 7, 1988 in the Klamath County Commissioner's Hearing Room. The Hearing was held pursuant to Notice given in conformity with the Klamath County Land Development Code and related ordinances. Sue C. Warner was not present and was not represented at the hearing. The Klamath County Planning Department was represented by J. 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. Klamath County, Oregon, Formal Uniform citation No. 1 (27-88) alleges that Sue C. Warner or the adult occupant of the property located at 6205 Round Lake Road, Klamath Falls, Oregon, Klamath County Assessor's tax lot No. 3909-21-800, is maintaining an auto wrecking yard as defined by Klamath County Land Development Code Section 93.005J on land zoned NR, a zone which does not permit said use. A true copy of said citation was served on Rick Werlinger, the occupant of said property on June 27, 1988. Rick Werlinger has identified himself to the Planning Department staff as the son of Sue C. Warner. Prior to issuing said

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citation, the Planning Department mailed not less than two notices of said violation to Sue C. Warner.

2. Neither Sue C. Warner, the owner of the subject property, nor Rick Werlinger, the occupant of the subject property, appeared at the subject hearing.

3. Planning staff testified that there are three or more inoperable vehicles located on the subject property. A neighbor testified that cars and trailers are parked haphazardly across the property and that the weeds have grown up through the vehicles.

CODE PROVISIONS

1. LDC Section 93.005(J) defines autowrecking yard under the general heading of Commercial Use Types. LDC Sections 51.022 set out the uses allowed in the NR zone. Said uses do not include automotive and Heavy Equipment land uses which include Automobile Wrecking Yard.

2. LDC Code Article 14 sets out the procedure for enforcing the provisions of the Land Use Code. The subject Citation was issued pursuant to code section 14.003.

CODE FINDINGS AND ORDER

1. Sue C. Warner or the adult occupant using the subject property as an Automobile Wrecking Yard as defined in LDC Section 93.005(J). Said use is not allowed in the NR zone. Sue C. Warner or adult occupant is operating said Automobile Wrecking Yard on land zoned NR.

2. Sue C. Warner or the adult occupant is Ordered to immediately cease and desist from using tax lot 3909-21-800 as an Automobile Wrecking Yard.

3. Sue C. Warner or the adult occupant is Ordered to perform the following acts:

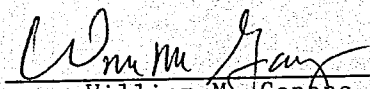
a. On or before July 31, 1988, Sue C. Warner or the adult occupant shall provide a written inventory of all wrecked or inoperable vehicles and vehicle parts to the Klamath County Planning Director. Said inventory shall include Sue C. Warner's or adult occupant's certificate that said list is complete and accurate;

b. On or before July 31, 1988, Sue C. Warner or the adult occupant shall provide to the Klamath County Planning Director a written plan for bringing the subject property into compliance with the Klamath County Land Use Code.

c. On or before September 1, 1988, Sue C. Warner or the adult occupant shall demonstrate to the Klamath County Hearing's Officer, or his designee, that Sue C. Warner or adult occupant has completely abated the above said LDC violation.

4. In the event that Sue C. Warner or the adult occupant continues her or his wrecking yard activity or fails to strictly comply with the provisions of this Order, the Planning Director shall refer this matter to the Klamath County District Attorney for further enforcement proceedings as provided by the Klamath County Land Development Code.

DATED this 19th day of July, 1988.



William M. Ganong
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 the 22nd day
of July A.D., 19 88 at 9:49 o'clock A. M., and duly recorded in Vol. M88
of Deeds on Page 11652.
Evelyn Biehn County Clerk
By Pauline M. Henderson

FEE none

Return: Commissioners Journal