

BEFORE THE HEARINGS OFFICER OF KLAMATH COUNTY, OREGON

In the Matter of the Citation)
 against GORDON L. JOHNSON and)
 MARGRET K. JOHNSON)
)

Violation Case No. 4-89
 FINDINGS OF FACT, CONCLUSIONS
 OF LAW AND ORDER

This matter came before Hearings Officer William M. Ganong on April 20, 1989 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. Margret K. Johnson was present and represented the Johnsons 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:

Gordon L. Johnson and Margret K. Johnson were cited by the Klamath County Planning Department on March 27, 1989 pursuant to the provisions of Article 14 of the Land Development Code. The citation issued by the Planning Department alleges the violation of Code Section 51.005. The Johnsons are more particularly alleged to have maintained an auto wrecking yard on property zoned RM, a zone which does not permit that industrial use. The term "auto wrecking yard" is defined in Section 93.005 (J). The property is located at 4316 Frieda Avenue, Klamath Falls, Oregon and is Klamath County tax lot number 3809 35CC 4900. Mrs. Johnson testified that, in fact, there are more than three automobiles in a nonoperating condition currently located on the subject property.


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ORDER:

Gordon L. Johnson and Margret K. Johnson are in violation of the provisions of the Klamath County Land Development Code as they are maintaining an auto wrecking yard as defined in the Code in a zone which does not allow said use. It is hereby Ordered as follows:

1. Gordon L. Johnson and Margret K. Johnson shall remove inoperable vehicles and parts from the subject property and bring the property into conformance with the requirements of the Klamath County Land Development Code on or before May 28, 1989.
2. In the event that the Johnsons fail to comply with the terms of this order, then the Planning Director of Klamath County, Oregon is ordered to direct this citation to the Klamath County District Attorney or other appropriate representative of the County for prosecution in the manner provided by the Klamath County Land Development Code.

Dated this 17th day of May, 1989.


 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, ss.
 County of Klamath

Filed for record at request of:

Klamath County
 on this 19th day of May A.D. 19 89
 at 3:11 o'clock PM. and duly recorded
 in Vol. M89 of Deeds Page 8716
 Evelyn Biehn County Clerk
 By Pauline Mulken

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Return: Commissioners Journal

Fee, none

Deputy.