

## BEFORE THE HEARINGS OFFICER OF KLAMATH COUNTY, OREGON

In the Matter of the Citation )  
 against LINDA S. GARNHART. )  
 )  
 )

Violation Case No. 2-89  
 FINDINGS OF FACT, CONCLUSIONS  
 OF LAW AND ORDER

This matter came before Hearings Officer William M. Canong 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. The applicant did not appear. However, Dee Mitchell, who testified that she lives with the Ms. Garnhart did present testimony on behalf of the Applicant. 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:

Linda S. Garnhard was cited by the Klamath County Planning Department on March 20, 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. Ms. Garnhard is more particularly alleged to have maintained an auto wrecking yard on property zoned RS, a zone which does not permit that industrial use. The term "auto wrecking yard" is defined in Section 93.005 (J). The Planning Department, prior to issuing this citation, reached an agreement with Ms. Garnhart whereby she agreed to comply with the provisions of the code by March 15, 1989. However, Ms. Garnhard failed to comply with the terms of the agreement made with the Planning Department. Ms.

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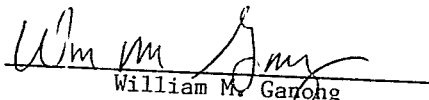
Mitchell testified that, in fact, there are more than three automobiles or parts of automobiles in a nonoperating condition currently located on the subject property.

ORDER:

Linda S. Garnhard is in violation of the provisions of the Klamath County Land Development Code as she is 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. Linda S. Garnhard shall remove inoperable vehicles and parts from the subject property identified as Klamath County Assessor's tax lot 3909 15AA 6700 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 Linda S. Garnhard fails 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. Garong  
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."

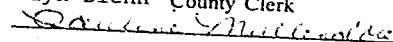
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STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County the 19th day  
of May A.D., 19 89 at 3:11 o'clock P.M., and duly recorded in Vol. M89  
of Deeds on Page 8724

FEE none

Evelyn Biehn County Clerk

By 

Return: Commissioners Journal