

BEFORE THE HEARINGS OFFICER OF KLAMATH COUNTY, OREGON

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

This matter came before Hearings Officer William M. Ganong on June 1, 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 Respondent represented himself at the Hearing. The Klamath County Planning Department was represented by Mr. 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. The Respondent was found in violation of the Land Development Code by Order dated February 18, 1989 for initiating and maintaining an automobile wrecking yard on property near Keno, Oregon described as Klamath County Tax Lot No. 4008-0600-2700.
2. The Respondent failed to comply with the requirements of the Order and Klamath County initiated enforcement proceedings in Klamath County Circuit Court. Thereafter, Mr. Stark constructed a building in which to place the automobile and automobile parts located on his property. The building has now been constructed, however, the automobiles have not been stored in the building.

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3. Mr. Stark stated during the hearing on June 1, 1989, that the ground is still wet and that has prevented him from storing the vehicles. He stated that he has 5 or 6 vehicles that are in a non-operating condition. Mr. Stark agreed that he could bring his property in compliance by June 30, 1989.


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.

Harold Stark is ordered to correct said violation by either storing in an enclosed facility or removing from his property all but three non-operating vehicles or parts of vehicles on or before June 30, 1989.

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, then the Planning Director is ordered to submit this matter to the Klamath County District Attorney or other proper official for further action consistent with Klamath County's Land Use Code.

Dated this 20th day of June, 1989.


William M. Gangog
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 21st day
of June A.D., 19 89 at 4:00 o'clock P.M., and duly recorded in Vol. M89
of Deeds on Page 11149.

FEE none

Evelyn Biehn County Clerk

By Pauline Mueller

Commissioners Journal