

## BEFORE THE HEARINGS OFFICER OF KLAMATH COUNTY, OREGON

In the Matter of the Citation	)	VIOLATION NO. 28-88
for Code Violation to JOHN NEW.	)	FINDINGS OF FACT, CONCLUSIONS
	)	OF LAW AND DECISION

This matter came before William M. Ganong, the Hearings Officer of Klamath County, Oregon, on June 15, 1989 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. John New represented himself at the hearing. The Klamath County Planning Department was represented by Carl Shuck 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. By Order dated July 19, 1988, John New was found to be in violation of the Klamath County Land Use Code for maintaining an automobile wrecking yard in a zone which does not allow said use. The property owned by Mr. New is located as Klamath County Assessor Tax Lot No. 381 and is zoned R-1.

2. Mr. New failed to comply with the requirements of said Order and the Klamath County Planning Department initiated proceedings in Circuit Court consistent with the Klamath County Code. On September 1, 1988, the Planning Staff visited Mr. New's property and determined that he had brought his property into compliance with said Order and with Order of the Court.

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3. On May 12, 1989, the Planning Department received a written complaint stating that Mr. New's property was once again in violation of the Land Use Code. At the hearing on June 15, 1989, Klamath County Nuisance Abatement Officer Ray LaMarche testified that he drove by the New property on May 17, 1989 and counted eight cars that appeared to be inoperable.

4. John New testified that there are only two cars on the property that are inoperable, but did agree that there are a stack of parts on the property which are not stored in an enclosure as required by the code. Mr. New testified that he restores cars as a hobby and expressed concern that he was not contacted directly prior to the issuance of citation so that he could demonstrate that he was not in violation of the code and avoid the wasted time involved with a hearing. Mr. New invited the County to come onto his property any time they feel he is in violation of the code and gave Mr. LaMarche permission to do so. Mr. New agreed that he could bring his property in compliance with the code by eliminating the parts that are stored outside by July 3, 1989.

ORDER:

1. John New is found to be in violation of the Klamath County Land Use plan as a result of his operating an automobile wrecking yard as defined in LDC Section 93.005 (j). Said use is not allowed in an R-1 zone.

2. Mr. New is ordered to bring his property into compliance with the requirements of the code on or before July 3, 1989 by either removing or storing the motor vehicle parts that are located on the property and by making sure that there are no more

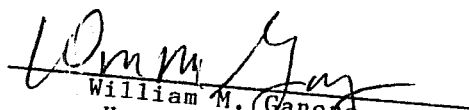
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than three inoperable vehicles or parts of vehicles located on the property at any one time.

3. The Planning Department Nuisance Abatement Officer is encouraged to contact Mr. New directly in the event of any future complaints concerning the use of his property and to go to and onto Mr. New's property to investigate said complaints prior to filing any formal action against Mr. New.

4. In the event that John New continues to use his property in violation of the code 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 20th day of June, 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: COUNTY OF KLAMATH: 18.

Filed for record at request of Klamath County  
of June 19 A.D., 1989 at 4:00 o'clock P.M., and duly recorded in Vol. M89  
of Deeds on Page 11151  
FEE none  
Return: Commissioners Journal  
By Evelyn Biehn County Clerk  
Pauline [unclear]

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