

## BEFORE THE HEARINGS OFFICER OF KLAMATH COUNTY, OREGON

In the Matter of the Citation  
for Code Violation 23-88  
PAUL WILSON.

) FINDINGS OF FACT, CONCLUSIONS  
) OF LAW AND ORDER

THIS MATTER came before Deputy Hearings Officer Michael C. Miller on August 17, 1989 in the Klamath County Commissioners' Hearing Room. The hearing was held pursuant to notice given in conformity with the Klamath County Land Development Code and related ordinances. Myona Wilson was present and represented the respondent. The Klamath County Planning Department was represented by Carl Shuck and Karen Burg was the Recording Secretary. The Klamath County Planning Department file and all contents thereof were incorporated into the record as evidence. The Deputy County Hearings Officer, after reviewing the evidence presented, makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT:

1. After more than one year of negotiating with the Klamath County Planning Department, the respondent was cited to appear before the Klamath County Hearings Officer on August 3, 1989 to show cause why the provisions of the LDC should not be enforced. At that time it was concluded that the respondent was keeping substantially more than three vehicles not in running condition, or the parts thereof, in an unenclosed area on the subject property. It was concluded that the conditions which the respondent permitted on the property constituted a violation of the LDC by permitting an automobile wrecking yard as defined in LDC 93.005 J, in the exclusive farm use grazing zone.

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2. Imposition of sanctions was stayed on condition that the owners of the property do the following:

a. Provide a list of all wrecked and inoperable vehicles on the property to the hearings officer at the next meeting on August 17, 1989;

b. Provide a written plan for bringing the property into compliance by October 1, 1989. Said plan was to be submitted to the hearings officer on August 17, 1989.

3. On August 17, 1989 Myona Wilson, a resident of the property, appeared before the hearings officer as requested. At that time she produced a photograph depicting a portion of a wooden fence. She was uncertain about the number of wrecked or inoperable vehicles on the property, but believed it was less than three. She indicated that while many of the vehicles would not start, that could be cured by minor repairs.

4. The respondent presented no plans for removing any of the vehicles and believed that fencing a portion of the property had rectified the violation.

5. The hearing was then continued to allow the planning department staff time to visit the subject property and provide information as to its current condition. By way of supplemental evidence, the planning department introduced six additional photographs of the property taken August 18, 1989.

6. A comparison of the August 18, 1989 photographs with the photographs taken May 1988 and May 1989 revealed that the property was in substantially the same condition at all times.

CONCLUSION AND ORDER:

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1. Paul Wilson, the respondent, has not provided a list of all wrecked and inoperable vehicles on the property as required by the Order dated August 10, 1989.

2. Paul Wilson, the respondent, has not provided a written plan for bringing the property into compliance by October 1, 1989 as required by the Order dated August 10, 1989.

3. There are in excess of twenty vehicles on the property of which three or more are not in running condition.

4. Paul Wilson, the respondent, continues to permit an automobile wrecking yard to exist on the property.

5. The condition of the property has not materially improved since May 1988.

6. In light of Paul Wilson's continued failure to abate the violation of the LDC, the planning director is ordered to refer the matter to the Klamath County Legal Counsel or to the Klamath County District Attorney for initiation of proceedings consistent with LDC 14.012 and 14.013.

DATED THIS 25th day of August, 1989.

Michael C. Miller  
Michael C. Miller  
Deputy 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 30th day  
of Aug. A.D., 19 89 at 9:39 o'clock AM., and duly recorded in Vol. M89  
of Deeds on Page 16237.

FEE \$none

Evelyn Biehn

County Clerk

By Michael C. Miller

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