

BEFORE THE HEARINGS OFFICER OF KLAMATH COUNTY, OREGON

In the Matter of the citation) Violation Case No. 14-89
 against BILLY CHAMBERS.) FINDINGS OF FACT,
) CONCLUSIONS OF LAW AND ORDER

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 This matter came before Hearings Officer Richard C. Whitlock on September 7, 1989 in the Klamath County Commissioners 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 and testified in his own behalf. 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, and additional exhibits and photographs were also received into the record. 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 cited by the Klamath County Planning Department on August 4, 1989 for initiating and maintaining an automobile wrecking yard as defined by LDC Section 93.005 (J) in a zone that does not permit said use.
2. The subject property is described as 3240 Altamont Drive, Klamath Falls, Oregon, described as T39, R9, Sec. 10BA, Tax Lot 1000 and 1100. The subject property is zoned CN (Neighborhood Commercial).

3. In his testimony to the Hearings Officer, Mr. Chambers did not deny that there are wrecked and/or inoperable vehicles on the property and other materials on the property. Mr. Chambers agreed on the record to accept the proposed conditions set forth in the staff report and to allow the Planning Department access to the property to verify his compliance with this Order.

4. Leonard Norris, Jr., a neighbor to Mr. Chambers, testified at the hearing that there are numerous inoperable vehicles present and that Mr. Chambers has started cleanups in the past, but has never satisfactorily completed any cleanup project. Two letters were also received into evidence complaining of conditions existing on Mr. Chambers' property.

ORDER:

Billy Chambers is found to be in violation of the Klamath County Land Development Code for maintaining a wrecking yard as defined in LDC Section 93.005 (J) on land zoned CN.

Billy Chambers is ordered to:

1. Provide to the Hearings Officer at hearing October 6, 1989 a complete listing of all vehicles on the property along with a description of each vehicle and their mechanical status.

2. Provide a written plan to the Hearings Officer at hearing October 6, 1989 for bringing the property into Code compliance by December 1, 1989.

In the event that the Respondent fails to comply with this Order, or in the event that he violates the Code after

December 1, 1989, then the Klamath County Planning Director is ordered to issue a citation or citations per Klamath County Ordinance 57 which may result in the imposition of fines of up to \$500.00 per day.

DATED this 13th day of September, 1989.

Richard C. Whitlock
RICHARD C. WHITLOCK, 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: ss.

Filed for record at request of Klamath County the 14th day
of Sept. A.D., 19 89 at 9:06 o'clock A.M., and duly recorded in Vol. M89,
of Deeds on Page 17292.

FEE none

Evelyn Biehn, County Clerk

By Pauline Mullendore

Return: Commissioners Journal