

BEFORE THE HEARINGS OFFICER OF KLAMATH COUNTY, OREGON
In the Matter of the citation) Violation Case No. 30-89
against CHARLES MALONEY and/or) FINDINGS OF FACT,
CORA MALONEY.) 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 Respondents were both present and represented themselves 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, including photographs and letters received by neighbors. 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 Respondents were cited by the Klamath County Planning Department on May 17, 1989 for maintaining more than two inoperable vehicles and operating an equipment repair facility as defined by Land Development Code Sections 93.005 (E) and (I) in a zone that does not permit said use.
2. The subject property is described as 4923 Summers Lane, Klamath Falls, Oregon and as T39, R09, Sec 14BB, Tax Lot 3600. The subject property is zoned RS (Suburban Residential)

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as set forth in LDC Section 51.005.

3. In his testimony to the Hearings Officer, Mr. Maloney admitted that there were some inoperable vehicles on the property and that he had worked on other people's vehicles prior to receiving this citation but that he has stopped doing that since issuance of the citation. Mr. Maloney 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 their compliance with this Order.

4. One letter, written by Mike and Shirley Tucker and Lee and Jo McBride (neighbors to the Maloneys) and received into evidence acknowledges that Mr. Maloney does work on other peoples vehicles and that there are inoperable vehicles present but the vehicles are not bothersome. A second letter from Helen Morehouse, also received into evidence, compliments the Maloneys as good neighbors, but criticizes the repair work done by Mr. Maloney as an eyesore.

5. Mr. Woodrow Edgar, a neighbor to the Maloneys, also testified at the hearing stating that Mr. Maloney works on everybody's vehicles at all hours of the night making sleep impossible for his wife.

ORDER:

Charles Maloney and Cora Maloney are found to be in violation of the Klamath County Land Development Code for maintaining more than two inoperable vehicles on the premises and operating an equipment repair facility as defined by LDC Sections 93.005 (E) and (I) on land zoned RS.

Charles Maloney and Cora Maloney are ordered to:


(1) Cease and desist immediately from the repair of vehicles and/or equipment other than those owned by the Maloneys.

(2) 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.

(3) Provide a written plan to the Hearings Officer at hearing October 6, 1989 for bringing the property into Code compliance by November 1, 1989.

In the event that the Respondents fail to comply with this Order, or in the event that they violate the Code after November 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, 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 17295

FEE none

Evelyn Biehn - County Clerk

By Pauline Mullendore

Return: Commissioners Journal