

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

This matter came before the Hearings Officer, Richard C. Whitlock, on October 6, 1989, in the Klamath County Commissioners Hearing Room. The hearing was held pursuant to an Order of the Hearings Officer dated September 13, 1989, which required the Respondents to provide a complete listing of vehicles on the property and a written plan to bring the property into Klamath County Land Development Code compliance. The Respondents were not present, but had contacted the Planning Department prior to the hearing to verify their compliance with the Code. The Klamath County Planning Department was represented by Mr. Carl Shuck and the recording secretary was Karen Burg. The testimony of Mr. Shuck was received into evidence. The County Hearings Officer, after reviewing the evidence presented, makes the following Findings of Fact, Conclusions of Law and Decision:

FINDINGS OF FACT AND CONCLUSIONS OF LAW:

1. The Respondents were previously cited by the Klamath County Planning Department for maintaining more than two inoperable vehicles on their property and for operating an equipment facility in a zone that does not permit said use. After hearing on September 7, 1989, the Respondents were found in violation of the Klamath County Land Development

MALONEY - CITATION - PAGE 1

Code and were ordered: 1) To cease and desist the repair of vehicles and/or equipment belonging to others; 2) To provide a listing of inoperable vehicles on the property; and 3) To provide a written plan by October 6, 1989, for Code compliance by November 1, 1989.

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) as set forth in LDC Section 51.005.

3. On September 7, 1989, Mr. Maloney provided a listing of inoperable vehicles on the premises and he agreed on behalf of both Respondents to continue to refrain from the repair of vehicles and/or equipment belonging to others on their property.

4. On October 2, 1989, with the consent of the Respondents, Mr. Shuck and Ray La Marche visited the subject property and found it to be in compliance with the Code.

5. Mr. Woodrow Edgar, a neighbor to the Maloneys, testified at the hearing that while the situation had improved, Mr. Maloney was still working on other persons' vehicles at the property.

ORDER:

Charles Maloney and Cora Maloney are found to presently be in compliance with the Klamath County Land Development Code.

Charles Maloney and Cora Maloney are ordered to continue to refrain from the repair of vehicles and/or equipment other

19905

than those owned by the Maloneys.

In the event the Respondents fail to comply with this order or in the event they violate the Code requirements regarding vehicle repairs or inoperable vehicles, 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 October, 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 19th day of Oct. A.D., 19 89 at 9:40 o'clock A M., and duly recorded in Vol. M89 of Deeds on Page 19903.

FEE none

Evelyn Biehn County Clerk

By Pauline Muelendore

Return: Commissioners Journal