

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

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 Respondent 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 Respondent represented himself at the hearing and testified in his own behalf. 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 as was the testimony of Mr. Chambers and the listing of vehicles and the written plan of compliance. 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 Respondent was previously cited by the Klamath County Planning Department for maintaining an automobile wrecking yard in a zone that does not permit said use. After hearing on September 7, 1989, the Respondent was found in violation of the Klamath County Land Development Code and

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was ordered: 1) To provide a listing of inoperable vehicles on the property; and 2) To provide a written plan by October 6, 1989, for Code compliance by December 1, 1989.

2. The subject property is described as 3240 Altamont Drive, Klamath Falls, Oregon and as T39, R09, Sec.10BA, Tax Lot 1000 and 1100. The subject property is zoned CN (Neighborhood Commercial).

3. At the hearing on October 6, 1989, Mr. Chambers provided a listing of inoperable vehicles on the premises and he testified that there were eight (8) vehicles on the list that were not operable, six (6) vehicles that were to be scrapped, and that the vehicles owned by other persons were to be removed on or before December 1, 1989.

ORDER:

Billy Chambers is found to be in continuing violation of the Klamath County Land Development Code for maintaining an automobile wrecking yard, but he is found to be in compliance with the Order of the Hearings Officer dated September 13, 1989, by virtue of having submitted the vehicle listing and written compliance plan.

Billy Chambers is ordered to ordered to bring the subject property into compliance with the Code on or before December 1, 1989 pursuant to the terms of his proposed plan of compliance. The Klamath County Planning Department is hereby instructed to visit the subject on or shortly after December 1, 1989 to assess the Respondent's compliance with the Code and this Order.

In the event the Respondent fails to comply with this order or in the event he violates the Code requirements regarding initiating and maintaining an automobile wrecking yard, 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., 1989 at 9:40 o'clock A.M., and duly recorded in Vol. M89,
 of Deeds on Page 19911.
 Evelyn Biehn County Clerk
 By Pauline Muelandore

FEE none

Return: Commissioners Journal