

BEFORE THE HEARINGS OFFICER OF KLAMATH COUNTY, OREGON

In the Matter of the Citation ) Violation Case No. 38-89  
 Against ) FINDINGS OF FACT  
 RICHARD RICHARDSON ) CONCLUSIONS OF LAW AND ORDER

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 This matter came before Hearings Officer Richard C. Whitlock on December 15, 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. The Respondent was present 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 Leanne Mitchel. The Klamath County Planning Department file and all contents thereof were incorporated in the record as evidence, including Exhibits A1 and A2, photographs taken on the property. 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 November 14, 1989 for maintaining more than two inoperable vehicles in a zone that does not permit said use.

2. The subject property is described as 3618 Cannon Street, Klamath Falls, Oregon and as T39, R09, Sec 3DB, Tax Lot 2900. The subject property is zoned RS (Suburban  
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Residential) as set forth in LDC Section 51.005.

3. J. Kim Lundahl testified that the Planning Department was made aware of this alleged violation in September of 1989 by Raymond LaMarche, the Nuisance Abatement Officer, after he visited the property following up on a complaint made by neighbors to the property. Raymond LaMarche testified he visited the property in October of 1989 and observed five (5) wrecked or inoperable vehicles on the property including a 1981 Dodge, an Edsel, a school bus, a Volkswagon bus and a Toyota. Lundahl advised that Mr. Richardson has failed to respond to previous requests of the Planning Department to correct the deficiencies through less formal procedures.

4. In his testimony to the Hearings Officer, Mr. Richardson admitted that there were some inoperable vehicles on the property and that the Toyota has already been removed from the premises. Mr. Richardson indicated his intentions with respect to all the other vehicles and he specifically agreed on the record to accept the proposed conditions set forth in the staff report (excepting the compliance deadline was extended to February 9, 1990) and to allow the Planning Department access to the property to verify his compliance with this Order.

5. Mr. Paul Barker, a neighbor across the street from Mr. Richardson, also testified at the hearing stating that Mr. Richardson has always had numerous vehicles on the property since Richardson moved into the neighborhood.

ORDER:

24903

Richard Richardson is found to be in violation of the Klamath County Land Development Code for maintaining more than two inoperable vehicles on his premises which is zoned RS (Suburban Residential).

Richard Richardson is hereby ordered to:

(1) Bring the property into compliance by February 9, 1990, by removing any wrecked or inoperable vehicles in excess of the two allowed.

(2) Return before the Hearings Officer on February 9, 1990 at 9:00 a.m. to testify under oath that the property is in compliance with the Land Development in that there are no more than two (2) wrecked or inoperable vehicles on the property.

In the event that the Respondent fails to comply with this Order, or in the event that he violates the Code after February 9, 1990, 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 20<sup>th</sup> day of December, 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."

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STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County the 27th day  
of December A.D., 19 89 at 10:16 o'clock A M., and duly recorded in Vol. M89  
of Deeds on Page 27901

FEE None

Evelyn Niehn County Clerk

By Bernetha J. Fletcher

COMMISSIONERS JOURNAL