

BEFORE THE HEARINGS OFFICER OF KLAMATH COUNTY, OREGON

In the Matter of the citation) Violation Case No. 10-90

against JIM AYERS and/or) FINDINGS OF FACT,

BOBBIE AYERS.) CONCLUSIONS OF LAW AND ORDER

This matter came before Hearings Officer Richard C. Whitlock on April 20, 1990, in the Klamath County Commissioners Hearing Room. The Hearing was held pursuant to a citation which required the Respondents to respond to allegations that Respondents have established an automobile wrecking yard in violation of the Klamath County Land Development Code. The Respondent, Jim Ayers, represented both Respondents and testified at the hearing. The Klamath County Planning Department was represented by Mr. J. Kim Lundahl and the Recording Secretary was Leanne Mitchel. The report of Mr. Lundahl was received into evidence as was the testimony of Mr. Ayers and a neighbor. 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 for establishing an automobile wrecking yard as defined in a zone that does not permit said use.

2. The subject property is described as 5898 Estate Drive, Klamath Falls, Oregon. The subject property is zoned residential which does not permit more than two inoperable vehicles.

3. Mr. Lundahl testified Respondents were now in compliance based upon his observations earlier in the week, but a neighbor testified there were two inoperable cars and several inoperable motorcycles and other various car parts and scrap materials on the property. Mr. Ayers testified he has two (2) inoperable vehicles (within code restrictions) and that much of the scrap materials and two (2) motorcycle frames were to be removed from the property immediately after the hearing on April 20, 1990. Ayers agreed to provide written confirmation of the removals.

ORDER:

Jim Ayers and Bobbie Ayers are found not to be in violation of the Klamath County Land Development Code for establishing or maintaining an automobile wrecking yard by virtue of having only two inoperable vehicles on the premises and the removal of the motorcycle frames and miscellaneous scrap.

In the event the Respondents fail to remove the motorcycle frames as he agreed, or in the event either Respondent 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 26th day of April, 1990.

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 26th day
of April A.D., 19 90 at 3:11 o'clock P M., and duly recorded in Vol. M90,
of Deeds on Page 7822.

FEE none

Evelyn Biehn County Clerk

By Pauline Melindere

Return: Commissioners Journal