

## BEFORE THE HEARINGS OFFICER OF KLAMATH COUNTY, OREGON

In the Matter of the Violation by )

LEROY BURT, )

Respondent. )

VIOLATION 5-98

ORDER

## 1. NATURE OF THE ASSERTED VIOLATION:

Respondent has been cited for maintaining an auto wrecking yard as defined by Article 11 of the Code on property not zoned for such use. The property referenced is civilly described as 4703 Balsam Drive, Klamath Falls, Klamath County, Oregon.

## 2. NAMES OF THOSE WHO PARTICIPATED:

The Hearings Officer in review of this violation was Neal G. Buchanan. The Respondent appeared and offered testimony. The Planning Department was represented by Kim Lundahl, and the recording secretary was Karen Burg.

## 3. LOCATION:

The real property under consideration is generally located at 4703 Balsam Drive, Klamath Falls, Klamath County, Oregon.

## 4. EVIDENCE RECEIVED:

The Respondent appeared and offered testimony. Additional witnesses were Ray LaMarche, Sandra Dorris and William Bradford. Pictures and correspondence were marked as Exhibits 1 through .

## 5. FINDINGS OF FACT:

A. The Respondent testified that with the exception of the London taxis, all vehicles on the premises were licensed and operable. The Respondent further testified that the London taxis were the property of a collector in Texas, whose plans required an additional six weeks to remove the same.

## 6. CONCLUSIONS OF LAW:

A. The motor vehicles located on the property appear to be intended for operation on public highways. At least the London taxis are conceded by the Respondent to be unlicensed and inoperable. The Hearings Officer thus is of the opinion that these vehicles can appropriately be characterized as being inoperable on public streets.

B. The Respondent is in violation of the Klamath County Land Development Code.

7. ORDER:

A. The Respondent is in violation of the Klamath County Land Development Code.

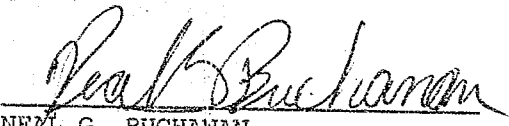
B. The number of inoperable or unlicensed vehicles located on the real property shall be reduced to that allowed by the Klamath County Land Development Code on or before May 14, 1998.

C. Pursuant to permission granted by the Respondent on the record at the time of the hearing, Ray LaMarche as the Code Enforcement Officer is to inspect the premises to determine if appropriate corrective action has been taken, and to assure that the vehicles on the premises are licensed and operable, such inspection to be completed pursuant to Respondent's agreement on May 14, 1998.

D. The matter is continued for further hearing on May 15, 1998.

E. Should the foregoing Order be violated, the enforcement officer is directed to cite the Respondent to 1 Circuit Court with fine set at \$1,000.00 to show cause why the provisions of the Code should not be enforced.

Dated this 9 day of April, 1998.

  
NEAL G. BUCHANAN  
Deputy Hearings Officer

NOTICE OF APPEAL RIGHTS

You are hereby notified that this Order may be appealed to the Klamath County Board of Commissioners by filing with the Klamath County Planning Department a notice of appeal as set out in Section 33.040 of the Klamath County Land Development Code, together with the fee required within seven (7) days of the mailing date of this Order. Failure to file a notice of appeal within the time provided will result in the loss of your right to appeal this decision.

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STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Planning Dept. the 9th day  
of April A.D., 19 98 at 2:31 o'clock P M., and duly recorded in Vol. M98  
of Deeds on Page 11641.

FEE None

By Bernetha G. Letsch, County Clerk  
Kristin Krow