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## BEFORE THE HEARINGS OFFICER OF KLAMATH COUNTY, OREGON

In the Matter of the Violation by:

GROVER RODGERS

Respondent

ORDER VIOLATION # 135-97

## 1. NATURE OF THE ASSERTED VIOLATION

Respondent is alleged to have been maintaining an auto wrecking yard and a scrap operation as defined by the LDC article 11 on property not zoned for such.

## 2. NAMES OF PARTICIPANTS

The hearings officer reviewing this violation is Joan-Marie Michelsen. The Respondent did appear. The planning department was represented by Kim Lundahl. The recording secretary was Karen Burg.

## 3. LOCATION OF PROPERTY INVOLVED

Portion NE 1/4 SW 1/4 Sec. 3, T38S, R9EWM. Tax account 3809-3CA-2200.

## 4. EVIDENCE RECEIVED

All evidence consisted of the oral testimony given at the hearing, 1996 and the attached photographs, and staff report.

## 5. FINDINGS OF FACT

The Hearings officer FINDS AS FOLLOWS:

- a. The respondent appeared and gave testimony admitting that there were inoperable vehicles on the property and that it was being used for dismantling and storing various items.
- b. The vehicles constitute an "auto wrecking yard" as defined by the County LDC.
- c. The dismantling and storage of materials on this location as has been occurring constitutes a "scrap operation."
- d. That the services provided by the violator and his family are useful to them and to the people of this county and it is hoped by the hearings officer that he will be able to continue his business in a different location.

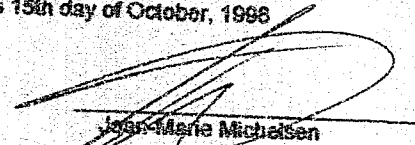
- e. The violator and his family have previously applied for and obtained a CUP for a school to be conducted on this property. Nothing in that application permits the current uses.
- f. That a school is not a compatible use with a scrap operation.

3. ORDER

THEREFORE, IT IS HEREBY ORDERED THAT:

- a. The hearings officer finds that as a matter of law the Respondent is in violation of the Klamath County Land Development Code.
- b. The Respondent is ordered to cease using the property to store more than one inoperable vehicle and to remove all remaining inoperable vehicles in excess of this limit by November 15, 1998.
- c. That the violator cease using the property to conduct his scrap operation.
- d. That no new items of scrap material, including but not limited to: non-working appliances, wooden pallets, scrap wood, vehicle parts, scrap metals, lawn or yard waste be transported to or left on the property.
- e. That the items of scrap material, including but not limited to: non-working appliances, vehicles, wooden pallets, scrap wood, vehicle parts, scrap metals, lawn or yard waste which are presently located on the property be removed by January 1, 1999.
- f. That if the above conditions are not met the existing CUP for a school be revoked by the hearings officer at the first hearing in January, 1999.
- g. That the enforcement officer is directed to cite the Respondent to appear in the Oregon State Court of appropriate jurisdiction with bail to be set by the court if the problems are not remedied by January 1, 1999.

Dated this 15th day of October, 1998

  
Joan Marie Michalsen  
Hearings Officer

NOTICE OF APPEAL RIGHTS

You are hereby notified this application 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 33.004 of the Klamath County Land Development Code together with the fee required within SEVEN DAYS (7) following the mailing date of this order.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County the 20th day of October A.D., 19 98 at 10:35 o'clock A.M., and duly recorded in Vol. M98 of Deeds on Page 38363  
Return: Commissioners Journal  
By Bernetha G. Letsch, County Clerk  
Kathleen Rose

FEE No Fee