

BEFORE THE HEARINGS OFFICER OF KLAMATH COUNTY, OREGON

In the Matter of the Violation by:

Fulwider

Respondent

ORDER VIOLATION # 119-98

1. NATURE OF THE ASSERTED VIOLATION

Respondent is alleged to have been maintaining an auto wrecking yard 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 Kevin Nobel.

3. LOCATION OF PROPERTY INVOLVED

37055 Rollingwood Dr. E of Chiloquin. 3508-1-2400

4. EVIDENCE RECEIVED

All evidence consisted of the oral and written testimony given January 22, 1999 and the staff report.

5. FINDINGS OF FACT

The Hearings officer FINDS AS FOLLOWS:

- a. The respondent appeared and gave testimony admitting that there were an excessive number of inoperable vehicles on the property.
- b. The vehicles constitute an "auto wrecking yard" as defined by the County LDC.
- c. There are a number of other scrap materials on Respondent's property.
- d. Instead of dealing properly with the excess vehicles Respondent has pawned them off on neighbors rendering them potentially in violation of county codes. This is an unacceptable solution.

6. ORDER

99 JAN 29 P 2:22

THEREFORE, IT IS HEREBY ORDERED THAT:

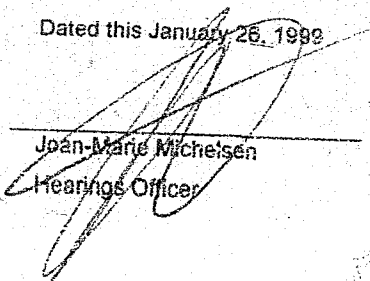
The hearings officer finds that as a matter of law the Respondent is in violation of the Klamath County Land Development Code.

The Respondent is ordered to cease using the property to store more than one inoperable vehicle and to remove/dispose of all remaining inoperable vehicles in excess of this limit by March 15, 1999.

Respondent states that they are going to build a barn to house the parts mustangs, feed and farm supplies including the empty barrels and drums. Respondent shall apply for the necessary permits to build this barn, or remove the offending materials no later than March 7, 1999. Construction shall be commenced no later than May 30, 1999 and the building shall be completed and final inspections done by August 31, 1999. The offending materials shall be moved inside the barn by September 7, 1999. Respondent in removing the vehicles shall not simply move them around the neighborhood.

The enforcement officer is directed to cite the Respondent to appear in the Wood River Justice Court with bail to be set by the court if this order is not complied with.

Dated this January 26, 1999


Joan Marie Michelsen
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 29th day
of January A.D. 1999 at 2:22 o'clock P. M., and duly recorded in Vol. M99
of Deeds on Page 3492

Return: Commissioners Journal

Linda Smith, County Clerk

FEE

No Fee

by Kathleen Rose