

## BEFORE THE HEARINGS OFFICER OF KLAMATH COUNTY, OREGON

In the Matter of the Violation by:

L. WEATHERFORD

Respondent

) ORDER VIOLATION # 79-98  
)  
)  
)

## 1. NATURE OF THE ASSERTED VIOLATION

Respondent is alleged to have been maintaining an extra rental house which was originally approved as a Worker residence in association with an auto wrecking yard.

## 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

7300 Hillyard Ave, Klamath Falls, Weatherford Towing, Wrecking and used Car Sales. 3909-12AA-1000

## 4. EVIDENCE RECEIVED

All evidence consisted of the oral testimony given, the staff report, letters and documents submitted by Respondent, and photos.

## 5. FINDINGS OF FACT

The Hearings officer FINDS AS FOLLOWS:

- a. The respondent appeared and gave testimony stating that the "worker residence" was used by a person who only works for them part time, about 10 hours per week
- b. Respondent admits that they used to stay in the residence but that now they own a property adjacent to the wrecking yard at 3102 Western.
- c. There is a shop/office located at 7330 Hillyard adjacent to the storage yard.
- d. There is a shop/office located on the property which abuts the storage yard.
- e. Tow trucks can be dispatched from a variety of locations apparently since competitors often have their rigs at Respondents.

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- f. The mobile at this time is not necessary for the continuation of the business, although it probably is convenient.
- g. A person who is a night watchman but only works 10 hours a week does not need his or her own residence on the premises.
- h. The response time required can be met in a number of ways other than locating a person living in the mobile
- i. Not all the statements made by Respondent were credible.
- j. There appear to be several other problems on the property other than the mobile, but that is the only issue currently before the hearings officer, however, Respondents are encouraged to improve their property so as to avoid further and future problems with the county and the neighbors.

## 6. ORDER

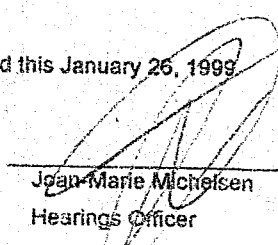
THEREFORE, IT IS HEREBY ORDERED THAT:

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

The mobile is to be vacated within 21 days of the date of this order, and to be fully removed from the premises no later than 45 days from the date of this order

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 the problem is not remedied on time.

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.

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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 3496  
Return: Commissioners Journal

Linda Smith, County Clerk

FEE

No Fee

by Kathleen Brass