

BEFORE THE HEARINGS OFFICER OF KLAMATH COUNTY, OREGON

In the Matter of the Violation by:

RUBEN WILLIAMS

Respondent

) ORDER VIOLATION # 20-99
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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 by maintaining more than one inoperable vehicle. Respondent is further alleged to have an excessive number of large animals on his property.

2. NAMES OF PARTICIPANTS

The hearings officer reviewing this violation is Joan-Marie Michelsen. The Respondent was represented by Dave Hoppe, Attorney at Law. The Respondent also appeared and offered testimony, as did several other persons. The planning department was represented by Kim Lundahl. The recording secretary was Karen Burg.

3. LOCATION OF PROPERTY INVOLVED

5341 Primrose Ln TA 3908-12A-3900

4. EVIDENCE RECEIVED

All evidence consisted of the oral and written testimony given May 7, 1999, the staff report, letters and photographs.

5. FINDINGS OF FACT

The Hearings officer FINDS AS FOLLOWS:

- a. The respondent appeared and gave testimony admitting that there were nine vehicles on the property. Respondent provided documentation that 7 of these cars were licensed. Two appear to be inoperable. Respondent was cooperative and agreed to fix the problems.
- b. The vehicles constitute an "auto wrecking yard" as defined by the County LDC as the code only permits one per lot.

- c. The Respondent admitted that he had a number of cattle on his property. Respondent is allowed to have no more than 6 large animals on the property that he is managing. Large animal is defined such that it includes, but is not limited to both cows and calves.

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 Respondent is ordered to cease using the property to store more than one inoperable vehicle in an unenclosed area and to remove all remaining inoperable vehicles in excess of this limit by July 19, 1999.

Respondent is directed to have no more than 6 large animals on the land that he is currently managing.

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, but no less than \$550.00 if the problems is not remedied as per this order.

If at any time after the deadline for compliance the Code Enforcement Officer for Klamath County needs to inspect the property Respondent shall not impede this inspection and if the Officer reasonably believes it necessary to enter onto the property Respondent shall allow that.

Dated this May 26, 1999

Joan-Marie Michelsen
Hearings Officer

NOTICE OF APPEAL RIGHTS

Your 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
Recorded 6/01/99, at 11:31 a.m.
In Vol. M99 Page 21428
Linda Smith, County Clerk
Fee \$

Return: Commissioners Journal

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Linda Smith