

1999 JUN 28 AM 10:35

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BEFORE THE HEARINGS OFFICER OF KLAMATH COUNTY, OREGON

In the Matter of the Violation by:

ELMER SKILLINGSTAD

Respondent

)  
) ORDER VIOLATION # 18-99  
)  
)

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.

2. NAMES OF PARTICIPANTS

The hearings officer reviewing this violation is Joan-Marie Michelsen. The Respondent did appear the first time but failed to attend the review. The planning department was represented by Kim Lundahl. The recording secretary was Karen Burg.

3. LOCATION OF PROPERTY INVOLVED

Hwy 97 just north of Modoc Point

4. EVIDENCE RECEIVED

All evidence consisted of the oral testimony at both hearings, the staff report, letter and photographs.

5. FINDINGS OF FACT

The Hearings officer FINDS AS FOLLOWS:

- a. The respondent appeared and gave testimony admitting that there were numerous inoperable vehicles on the property.
- b. The vehicles constitute an "auto wrecking yard" as defined by the County LDC.
- c. Due to mitigating circumstances the Respondent was given time to remedy the problem.
- d. Respondent has moved the scrap and inoperable vehicles and trailers around on the property but there is no noticeable improvement in the appearance or reduction of the number of vehicles.
- e. The respondent requested through the end of summer to remedy the problem.

## 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.

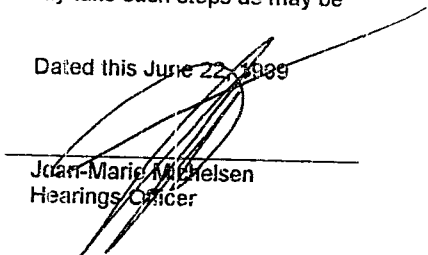
The Respondent is ordered to cease using the property to store more than one inoperable vehicle in an unenclosed area and to remove all remaining inoperable vehicles in excess of this limit by August 15, 1999

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 \$1,000.00 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.

If this order is not complied with the County enforcement officer may take such steps as may be necessary including starting the abatement process.

Dated this June 22, 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.

Return to Commissioner's Journal

State of Oregon, County of Klamath  
Recorded 6/28/99, at 10:35 a. m.  
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Linda Smith,  
County Clerk Fee \$ 11.44