

BEFORE THE HEARINGS OFFICER OF KLAMATH COUNTY OREGON

In the Matter of the Violation by:)
)
)
James WHISENHUNT, Respondent)

ORDER VC 115-99

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 Planning Department was represented by Kim Lundahl. The recording secretary was Karen Burg.

3. LOCATION OF PROPERTY INVOLVED

9453 Hill Rd., Klamath Falls, OR East of Henley

4. EVIDENCE RECEIVED

All evidence consisted of the oral testimony given November 19, 1999 and the Staff Report.

5. FINDINGS OF FACT

The Hearings Officer FINDS AS FOLLOWS:

- a. The respondent appeared and gave testimony admitting there were inoperable vehicles on the property.
- b. The vehicles constitute an "auto wrecking yard" as defined by the County LDC.
- c. Respondent stated he would remove the cars by December 17, 1999

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 December 17, 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 \$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 November 21, 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 11/24/99, at 10:04 a.m.
In Vol. M99 Page 46639
Linda Smith,
County Clerk Fee\$ NC

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