

BEFORE THE HEARINGS OFFICER OF KLAMATH COUNTY, OREGON

In the Matter of the citation)	Violation Case No. 60-86
against DUANE BARSTAD.)	FINDINGS OF FACT, CONCLUSIONS
)	OF LAW AND ORDER

THIS MATTER originally came before Deputy County Hearings Officer Michael C. Miller on October 6, 1988 in the Klamath County Commissioners' Hearing Room. The hearing was held pursuant to the Notice given in conformity with the Klamath County Land Development Code and related ordinances. The wife of the respondent was present. The Klamath County Planning Department was represented by Mr. J. Kim Lundahl and the Recording Secretary was Karen Burg. The Klamath County Planning Department file and all contents thereof were incorporated into the record as evidence. During the course of the hearing, it became apparent that the respondent's success in vacating a portion of the highway right-of-way in front of the property could affect the outcome of the hearing. Accordingly, the hearing was continued until October 20, 1988. The respondent was directed to advise the Klamath County Planning Department staff as to progress, if any, toward vacation of a portion of the highway right-of-way. At the continued hearing on October 20, 1988, no one appeared on behalf of the respondent. A further report of staff was received, as was the testimony of Elsie Arding who testified in support of the violation. The Deputy County Hearings Officer, after reviewing the evidence presented, makes the following Findings of Fact, Conclusions of Law and Decision:

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

-1-

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FINDINGS OF FACT:

1. The respondent failed to contact the Klamath County Planning Department staff following the October 6, 1988 adjourned hearing to inform the staff of his progress, if any, toward vacating a portion of the highway right-of-way.
2. The respondent was aware of the uncertain accuracy of his belief regarding his property lines at the time the subject carport was constructed.
3. A significant portion of the respondent's metal-roofed carport extends into the highway right-of-way.
4. The respondent's dwelling and garage is located just a few feet from the front property line.

CONCLUSION AND ORDER:

1. The front yard of the subject property, as measured at right angles from the nearest point on the front property line to the respondent's dwelling and garage, does not provide for the minimum front yard as prescribed by Land Development Code Section 62.003 A.
2. The respondent is ordered to remove all of the metal-roofed carport extending beyond the front wall of his garage within twenty (20) days of the mailing of this Order to him.
3. In the event that Duane Barstad fails to comply with this Order, the Planning Director shall refer this matter to the Klamath County District Attorney or the Klamath County Counsel for further enforcement proceedings as provided in the Klamath County Land Development Code, including but not limited to the

penalties provided in Section 14.012.

17949

DATED THIS 21st day of October, 1988.

Michael C. Miller
Michael C. Miller
Deputy Hearings Officer

Klamath County Land Development Code Section 24.007 provides:

"An Order of the Hearings Officer shall be final unless appealed within ten (10) days of its mailing by a party having standing in accordance with the procedures set forth in Chapter 3, Article 33 of this Code."

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County the 25th day
of Oct. A.D., 19 88 at 8:32 o'clock A.M., and duly recorded in Vol. M88,
of Deeds on Page 17947.

FEE none

Evelyn Biehn County Clerk

Return: Commissioners Journal

By Darlene Mulholland

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

-3-