

## BEFORE THE HEARINGS OFFICER OF KLAMATH COUNTY, OREGON

In the Matter of the Violation ) Violation Case No. 9-89  
 of CHRIS ELVERFELD. ) FINDINGS OF FACT, CONCLUSIONS  
 ) OF LAW AND ORDER

THIS MATTER came before Deputy Hearings Officer Michael C. Miller on May 18, 1989 in the Klamath County Commissioners' Hearing Room. The violator, Chris Elverfeld, was present and so was his attorney, Andrew Brandsness. The Klamath County Planning Department was represented by Mr. J. Kim Lundahl, and there was no Recording Secretary. The Klamath County Planning Department's file and all contents thereof were incorporated into the record as evidence. The Deputy Hearings Officer, after reviewing the evidence presented, makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT:

1. The activity conducted at 211 Greensprings Drive consists of storage and repair of portable toilets and the servicing of approximately 4 trucks used in transport of the toilets and the owner's related septic tank pumping business. Some clerical functions occur in the office portion of this former service station. However, there are times when there is no one on the premises.

2. The Klamath County Planning Department's attention to this activity was prompted by a complaint filed by Dan Lally, an adjacent property owner and by the fact that the respondent had previously been cited for violations of the Code. The complaint

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER -1-

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apparently arose out of the temporary placement of a portable toilet unit adjacent to the complainant's doorway. That practice has been discontinued and the portable toilet units are now located in a more appropriate location on the property. The complaint has been withdrawn by letter dated March 15, 1989.

3. Ray LaMarche, Code Enforcement Officer, testified that the activity on the subject premises does not constitute a nuisance.

CONCLUSION AND ORDER:

1. The activity the respondent is conducting at 211 Greensprings Drive more closely resembles "construction sales and services" Section 93.010 than "wholesale storage and distribution" Section 93.027.

2. The respondent is found not to be in violation of the Code.

DATED THIS 24th day of May, 1989.

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 1st day of June A.D., 19 89 at 10:11 o'clock AM., and duly recorded in Vol. M89 of Deeds on Page 9552.

FEE none

Evelyn Biehn, County Clerk

By Pauline Muckenstern

Return: Commissioners Journal