

BEFORE THE HEARINGS OFFICER OF KLAMATH COUNTY, OREGON

In the matter of the violation)
 citation of DOUGLAS WILSON)
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VIOLATION
 NO. 136390

This matter came before Neil D. Smith, Hearings officer for Klamath County, Oregon on 17 August 1990 in the County Commissioners' Hearing Room in Klamath Falls Oregon. The Klamath County Planning Department was represented by Mr. Kim Lundahl the recording secretary was Ms. Karen Burg. The Klamath County Planning Department file and all the exhibits and other contents therein is incorporated by this reference into this matter.

This matter coming before the Hearings Officer for the purpose of determining whether or not the above violator had complied with any of the Klamath County regulations concerning the construction and/or occupancy as a dwelling on the property located near Rocky Point, more completely described below. The matter was called and the defendant did not appear as ordered. The violator was personally served and was seen by other witnesses on the property within the previous five days to the appearance date. There was no testimony in opposition to a finding that the violator should not be cited and immediate enforcement action taken in accordance with Article 14 of the Klamath County Land Development Code.

Testimony was received from the following persons:
 Mr. Bagett of the Klamath County Health Dept.
 Mr. ~~Ken~~ Anderson, adjacent property resident.
 Mrs. Kathryn Sloan, adjacent property owner.
 Mr. Robert Sloan, adjacent property owner.

In addition to oral testimony and response to the hearings officer's questions was taken under oath, there was entered into the record letters and photographs of specific instances of direct and egregious violations of health, safety, code violations. Among the specifics cited were the event of three separate dwelling fires, three violations of the fire burning restriction during "extreme danger" fire seasons requiring the fire district to respond. There were allegations of improper installation of electric power service, and telephone connections.

Based upon the testimony heard and the consistent violation of various code provisions over the last fifteen (15) years. The Hearings officer directs staff to take the following action.

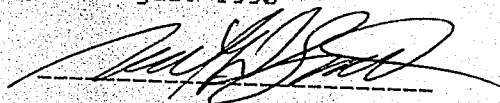
1. Send a written request to the following agencies and request that they conduct an independent inspection to determine if any statute or regulation for which they are responsible is or has been violated.

- A. Harriman fire district
- B. County and State Health Departments
- C. County Building Department
- D. County Road Department

2. That the violator Mr. Douglas Wilson be cited to the Klamath County District Court to show cause why he should not be penalized at the rate of \$100.00 per day for his continuing violation up to the maximum of \$1,000.00 and be restrained from his continuing occupation of the land until he meets all code regulations and statutory requirements in accordance with SECTION 14.012 of the KLAMATH COUNTY LAND DEVELOPMENT CODE.

NOW THEREFORE IT IS SO ORDERED.

DATED this 20th day of August 1990



Neil D. Smith, 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 21st day
of Aug. A.D., 19 90 at 3:38 o'clock PM., and duly recorded in Vol. M90
of Deeds on Page 16800

FEE none

Evelyn Biehn County Clerk

By Debbie M. Henderson

Return: Commissioners Journal