

BEFORE THE HEARINGS OFFICER OF KLAMATH COUNTY, OREGON

In the matter of violation)

) of MARY BETH SMITH
) AKA RADIANCE CHESNUT)) VIOLATION
) NO. 43-89
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This matter came before Neil D. Smith, Hearings officer for Klamath County, Oregon on 28 June 1991 in the County Commissioners' Meeting 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.

The Hearing was held pursuant to notices given in conformity with the Klamath County Land Development Code and related Statutes and Ordinances.

The report by staff was received and photographs were received and examined by the hearings officer.

A statement was made by Mr. Brad. Aspell, esq, Mr. Anklyn and Mr. Bill Pallazola. Evidence was given by Mr. Schmidt, Mr. Arrague, Mr. Denelli, Mr. Chestnut, and Mrs. Chester, all of whom were against the issuance of an order to raze the building on the site. There was also a video presentation presented by Mr. Arrague which was received into and the comments of all were noted upon the record.

FINDINGS OF FACT :

1. The Applicant has constructed a building on the cite which was not permitted through an appeal to the County Commissioner appeal.

2. There is some dispute as to whether or not this building is a Dwelling Unit which was apparently assumed in the original application.

3. If application was made to use this structure for other than a Dwelling Unit and such application was made of the hut, then there would be no violation

CONCLUSION

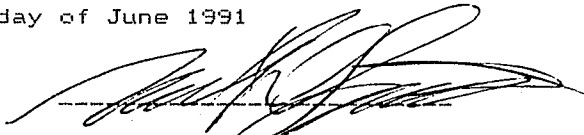
The hearings officer can only conclude that if this struc-

ture is used as a dwelling unit it must be removed. If on the other hand it is found that this structure is not to be so used than there is no violation except that it was constructed without a permit and such permit should be sought and the matter considered on its merits.

ORDER

It is therefore ordered that this matter be set before the Klamath County District Court at a time to be set by the court to show cause why the residence should not be removed. In the event application is made to allow a structure OTHER THAN A RESIDENCE to be permitted on the site then in that event the "Show Cause" should not be set until such time as that application is passed upon. In any event the cited person shall have no more than ten (10) days to make application, otherwise the "Show Cause" citation must issue.

DATED this 28th day of June 1991



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 seven (7) 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 the 2nd day
of July A.D., 19 91 at 10:30 o'clock AM., and duly recorded in Vol. M91,
of Deeds on Page 12648.

FEE none

Evelyn Biehn, County Clerk

By Debra Mulender

Return: Commissioners Journal