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BEFORE THE HEARINGS OFFICER OF KLAMATH COUNTY, OREGON

In the matter of the review of)	
compliance of)	HOME OCCUPATION PERMIT
)	NO. 7-92
JOHN NEW and GAYLEEN NEW)	
)	
)	

This matter came before Michael L. Brant, Hearings Officer for Klamath County, Oregon on May 14, 1993 in the County Commissioners' Meeting Room in Klamath Falls, Oregon. The hearing was held pursuant to notice given in conformity with the Klamath County Land Development Code and related statutes and ordinances. The Klamath County Planning Department was represented by Mr. Kim Lundahl, and 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 report by staff was received and examined by the hearings officer. The issues before the hearings officer were whether or not John New and Gayleen New were in compliance with the conditions set forth in the home occupation permit granted in Case No. 7-92. Testimony was received from Mr. and Mrs. New and their witnesses and from Mr. Raymond LaMarsh who testified on behalf of the county.

Based upon the evaluation of the testimony and consideration of the evidence received, the hearings officer makes the following findings of fact:

FINDINGS OF FACT

The permittees have been out of compliance with the conditions of the permit. Inoperable vehicles have been stored on the property for in excess of 45 days. The permittees have engaged the

services of others in exchange for services. The permittees have operated the business after 8 p.m. on numerous occasions.

CONCLUSION

The storage of inoperable vehicles for more than 45 days may have been caused by extreme winter weather conditions. No reasonable basis is found for the operation of the business beyond 8 p.m. nor for the employment of others in the operation of the business.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the permit shall continue conditioned upon permittees' operation of the business in compliance with the conditions of the permit. Permittees must comply with those conditions from this day forward. Permittees' operation shall be examined and a review scheduled for September 1993.

Dated this 25th day of May, 1993.

Michael L. Brant
Michael L. Brant
Hearings Officer

KLAMATH COUNTY LAND DEVELOPMENT CODE SECTION 24.060 PROVIDES:

"An Order of the Hearings Officer may be appealed to the Board of County Commissioners within seven (7) days of its mailing as set forth in Article 33."

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County Commissioners the 28th day of May A.D., 19 93 at 9:41 o'clock A M., and duly recorded in Vol. M93 of Deeds on Page 12212.

Evelyn Biehn County Clerk

By Annette Mueller

FEE No Fee

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