

BEFORE THE HEARINGS OFFICER OF KLAMATH COUNTY, OREGON

In the matter of the violation/)	
citation of)	VIOLATION/CITATION
RICHARD SAM CHERNABAEFF)	NO. VC 18-89
)	
)	
)	

This matter came before Michael L. Brant, Hearings Officer for Klamath County, Oregon, on August 19, 1994, in the Klamath County Museum 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 who also served as the recording secretary. The Klamath County Planning Department staff report was received. Richard Sam Chernabaeff was not present. Robert Masterson and his associate, Jerry Savage, were present and testified. Owners of property adjacent to and nearby the subject property also testified and exhibits were received.

FINDINGS OF FACT

1. The subject property is located east of and is accessed from Wocus Road. The legal description is Tax Lot 1900 in Township 38, Range 9 EWM, Section 6, in Klamath County, Oregon. The property is zoned FORESTRY RANGE (FR). The property is owned by Richard Sam Chernabaeff and leased to Robert Masterson.

2. Mr. Masterson has leased the subject property continuously since some time prior to 1981.

3. This violation matter was first heard and decided by the Hearings Officer in 1989 at which time it was determined that the

Respondent and Mr. Masterson did not meet the requirements which would entitle them to the benefit of the Grandfather provision of the Code. Clean up was ordered and the Respondents complied by November 27, 1989.

4. In May 1994 the Code Enforcement Officer learned that wrecked, inoperable, unlicensed vehicles, vehicle parts, equipment and scrap had been moved to the property from another location. Mr. Masterson testified that he had moved the vehicles from another location to the subject property and was consolidating his business operations.

5. A neighbor testified that recently the equipment stored had increased from a few farm implements to the present accumulation of wrecked, inoperable vehicles and assorted parts.

CONCLUSION OF LAW

Mr. Chernabaeff and Mr. Masterson are in violation of the Klamath County Land Development Code. Respondent has again failed to establish that he is entitled to the benefit of the Grandfather provision of the Code.

ORDER

Mr. Chernabaeff may maintain one (1) wrecked, inoperable, unlicensed vehicle on the subject property. Mr. Chernabaeff shall remove or cause to be removed to a legal location all other wrecked, inoperable unlicensed vehicles, vehicle parts, scrap metal and debris by October 15, 1994. In the event that Mr. Chernabaeff fails to comply with this order the Code Enforcement Officer shall

cite Mr. Chernabaeff into Klamath County District Court with bail set at \$500.00.

DATED THIS 31st day of August, 1994.

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 the 2nd day
of Sept. A.D., 19 94 at 11:05 o'clock A M., and duly recorded in Vol. M94
of Deeds on Page 27604

Evelyn Bieha * County Clerk

By Courline M. Miller

FEB none

Commissioners Journal