

BEFORE THE HEARINGS OFFICER OF KLAMATH COUNTY, OREGON

In the Matter of the Violation by:

Margaret and Joseph Day

Respondents

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) ORDER VIOLATION # 131-97
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1. NATURE OF THE ASSERTED VIOLATION

Respondents are alleged to have been maintaining a scrap operation and kennel as defined by the LDC article 11 on property not zoned for such.

2. NAMES OF PARTICIPANTS

The hearings officer reviewing this violation is Joan Marie Michelson. The Respondents did appear. The planning department was represented by Kim Lundahl. The recording secretary was Karen Burg.

3. LOCATION OF PROPERTY INVOLVED

3112 Madison St, Klamath Falls, OR

4. EVIDENCE RECEIVED

All evidence consisted of the oral testimony given July 24 and August 7, 1998 and the staff report.

5. FINDINGS OF FACT

The Hearings officer FINDS AS FOLLOWS:

- a. The respondents appeared and gave testimony admitting that there was logging equipment on the site, some of which was working, some of which was surplus.
- b. Respondents stated that they no longer have a large number of dogs.
- c. Respondents have in storing the materials at this location been under the belief that the land was actually zoned for at least partial commercial use.

6. ORDER

THEREFORE, IT IS HEREBY ORDERED THAT:

The hearings officer finds that as a matter of law the Respondent is in violation of the Klamath County Land Development Code.

The Respondent is ordered to cease using the property to store logging or other equipment and materials which are not compatible with residential use. This includes all logging equipment except for any trucks or trailers which are licensed and operable.

The Respondents are further ordered to generally clean up the premises.

The enforcement officer is directed to cite the Respondent to appear in the Wood River Justice Court with bail to be set by the court if the problems is not remedied by October 1, 1993

Dated this 10th day of August 1998

Joan Marie Michelsen

Hearings Officer

NOTICE OF APPEAL RIGHTS

You are hereby notified this application may be appealed to the Klamath County Board of Commissioners by filing with the Klamath County Planning Department a Notice of Appeal as set out in Section 33.004 of the Klamath County Land Development Code together with the fee required within SEVEN DAYS (7) following the mailing date of this order.

STATE OF OREGON: COUNTY OF KLAMATH:

Filed for record at request of Klamath County the 11th day
of August A.D., 19 98 at 3:58 o'clock P.M., and duly recorded in Vol. 498
of Deeds on Page 29531.
Return: Commissioners Journal By Bertha G. Letsch, County Clerk
FEE No Fee