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## BEFORE THE HEARINGS OFFICER OF KLAMATH COUNTY, OREGON

In the Matter of the Violation by:

RENDALL

Respondent

ORDER VIOLATION # 94-98

## 1. NATURE OF THE ASSERTED VIOLATION

Respondent is alleged to have been camping as defined by Article 11.

## 2. NAMES OF PARTICIPANTS

The hearings officer reviewing this violation is Joan-Marie Michelsen. The planning department was represented by Kim Lundahl. The recording secretary was Karen Burg. The respondent did NOT appear and offer testimony although he was advised of the date and reminded of it recently. Respondent did not call in and request a continuance or otherwise explain his absence.

## 3. LOCATION OF PROPERTY INVOLVED

The property is located at Lot 39 Bk 14, KFFE #1, Bly Mountain, TA 3711-21D-4500

## 4. EVIDENCE RECEIVED

All evidence consisted of the oral testimony and the staff report.

## 5. FINDINGS OF FACT

The Hearings officer FINDS AS FOLLOWS:

- a. Respondent has been living on the premises without proper sanitation.
- b. Respondent was informed of the hearing date and told that they needed to apply for the proper permits or come to the hearing.
- c. Respondent has been camping and building un-permitted structures on the subject property.
- d. Respondent has started the process of applying for septic and has in the past remitted the funds to do so.
- e. It appears that Respondent has had difficulty in the past with this process, but is in fact very close to compliance with the required permits and certifications.

## 1. 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.

If Respondent continues to live on the property then Respondent is ordered to obtain a temporary approved method of sewage disposal in the form of a portable sanitary toilet and to contract with the

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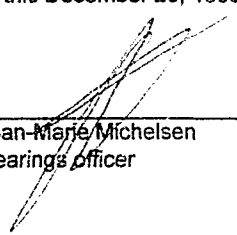
supplier to regularly service such. Respondent must vacate the premises until it is installed. It is up to the Respondent to decide if it is better to vacate or get a porta-potty.

If Respondent chooses to remain on the property and install a porta potty he must finish the process of getting approval for occupancy. If this process is not completed by June 1 then this case is to come back before the hearings officer for a determination of whether or not the use is a "Nuisance." If the property is declared to be a nuisance it shall be subject to abatement and removal.

The respondent has been advised that they can not transfer a TUP from one address to another but they can stay at one and work on the other.

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 this order is not complied with.

Dated this December 23, 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: ss.

Filed for record at request of Klamath County the 28th day  
of December A.D., 19 98 at 1:56 o'clock P. M., and duly recorded in Vol. M98  
of Deeds on Page 47304.

FEE No Fee

By Bernetha G. Letsch County Clerk  
