

BEFORE THE HEARINGS OFFICER OF KLAMATH COUNTY, OREGON

In the Matter of the Violation by:

LE ROY DALEBOUT

Respondent

ORDER Violation # 64-98

1. NATURE OF THE ASSERTED PROBLEM

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 Respondent appeared and offered testimony. The planning department was represented by Kim Lundahl. The recording secretary was Kevin Russell.

3. LOCATION OF PROPERTY INVOLVED

The property is located at 1072 Fort Jackpine Dr, Jackpine Village 2309 - 25A - 5200

4. EVIDENCE RECEIVED

All evidence consisted of the oral and written testimony given proceedings and the staff report.

5. FINDINGS OF FACT

The Hearings officer FINDS AS FOLLOWS:

- a. Respondent and his wife have been camping and living in un-permitted structures on the subject property.
- b. That this situation has been ongoing since 1992.
- c. That a previous order in this matter was entered by the then hearings officer and by the Justice Court but the Respondent has chosen to ignore these orders.
- d. That the problems still exist and that the premises have been occupied in violation of the previous orders and County and State law.
- e. That the premises are occupied without proper sanitary facilities, although there was testimony of an old septic system there was no evidence offered that it was currently up to code or functioning properly.
- f. That the current situation is unsafe and unsanitary and poses a threat to the surrounding area.
- g. Respondent has been given many opportunities to remedy the situation.
- h. Respondent was advised that his occupation under the current conditions could expose him to significant civil liability to the neighbors.
- i. Respondent was advised that if he continues to chose not to comply with the County and State laws on this matter he faces significant sanctions up to and including the disconnection of his electric service and abatement of the location.
- j. Respondent was advised that abatement could include the demolition of existing structures and removal of all property on the location.
- k. There are a number of abandoned refrigerators which are stored in an unsafe fashion.
- l. There are at least 4 inoperable vehicles.

- m. There is a significant amount of other scrap material on the property, which although there is a privacy fence is still highly visible from the road.
- n. Respondent is of limited means, but has had knowledge of these problems for years.
- o. A schedule of payments and deadlines will give respondent time to raise the necessary funds.

15. 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.

Respondent shall duct-tape or otherwise firmly secure the doors of the non-functioning refrigerators stored outside no later than Monday January 25th, 1999.

Respondent shall remove, or cause to be removed, all inoperable, unlicensed, unregistered or uninsured vehicles within 45 days of this order.

Respondent shall apply for a Land Use Compatibility statement from the Planning Department no later than March 7, 1999.

Respondent shall apply for a Septic Evaluation no later than April 20, 1999. If the existing system is deemed acceptable by the DEQ then respondent may get a certificate stating this and apply for a placement permit without a new system.

If DEQ does not deem the existing system acceptable then Respondent shall apply for a permit to install a new system by June 15, 1999.

Respondent shall have the new system completed and apply for a placement permit from the County by August 15, 1999, and shall have the mobile that he stated he intends to move onto the property properly installed to code by August 31, 1999.

By September 30, 1999 Respondent shall have the various items of scrap, building material, appliances etc. put away inside the storage sheds or properly disposed of.

Any person from Klamath County may come inspect the premises and the progress being made by giving respondent at least one (1) hour notice by phone, and Respondent shall allow and not hinder these inspections in any way.

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 but to be no less than \$750, to be paid in full and not a percentage thereof, if this order is not complied with.

The enforcement officer is directed to bring this situation to the attention of the Mid-State Electric Coop for disconnection of respondent or citation if any deadline in this order is not complied with.

The enforcement officer is authorized to take any and all available means to mitigate this problem including the abatement process if any of the deadlines in this order are not complied with.

The Respondent is ordered to cease camping and to remove all un-permitted structures and personal property within 10 days if any of the dates in this order are not complied with.

Respondents shall use and maintain a porta-potty until a proper septic system is installed. This porta potty shall be under maintenance contract and shall be installed no later than February 5th, 1999.

Dated this January 26, 1999

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 29th day
of January A.D. 1999 at 2:22 o'clock P. M., and duly recorded in Vol. M99
of Deeds on Page 3483
Return: Commissioners Journal Linda Smith, County Clerk

FEE

No Fee

by Kathleen Rose