

BEFORE THE HEARINGS OFFICER OF KLAMATH COUNTY, OREGON

In the Matter of the Temporary Use
Permit of:

Eve Kight Memorial, Inc.,

Respondent.

ORDER

TUP 18-94

1. NATURE OF THE ASSERTED VIOLATION:

Respondent is alleged to have allowed to remain in place a mobile home which was originally to have been used as a temporary construction office. Placement of a temporary construction office is a permitted temporary use under Section 43.030D.

2. NAMES OF THOSE WHO PARTICIPATED:

The Hearings Officer reviewing this matter is Neal G. Buchanan. The Respondent did not appear. The Planning Department was represented by Kim Lundahl, and the recording secretary was Karen Burg.

3. LOCATION OF PROPERTY INVOLVED:

The real property to be developed as set forth on the application for a temporary construction office was known as "Tamarak Meadows" which is located on Cregan Avenue in the Stewart-Lenox area.

4. EVIDENCE RECEIVED:

The evidence consisted of the oral testimony given on behalf of the Planning Department and Exhibit 1 (a letter report dated December 7, 1998).

5. FINDINGS OF FACT:

The hearings Officer FINDS AS FOLLOWS:

a. Respondent originally obtained a temporary use permit to establish a temporary construction office. This approval expired September 14, 1995.

b. The Respondent's permit was not renewed prior to September 14, 1995. An enforcement hearing was thus set for January 5, 1996, which prompted a renewal application December 26, 1995. This TUP was thus effective until September 14, 1996.

c. The permit was again allowed to expire and a notice of enforcement hearing was issued for November 15, 1996. Respondent

filed for renewal on October 17, 1996, which such renewal extended the TUP to September 14, 1997.

d. The permit again expired on September 14, 1997, and was renewed by Hearings Officer Order of January 16, 1998. This renewal extended to September 14, 1998.

6. ORDER:

THEREFORE, IT IS HEREBY ORDERED THAT:


1. Respondent is in violation of the Klamath County Land Development Code; and

2. The "temporary construction office" is to be removed from the subject premises on or before March 1, 1999; and

3. The Respondent is required to provide to the Planning Department Code Enforcement Officer verification that the unit has been removed from the location, such verification to be provided on or before March 2, 1999; and

4. Should the enforcement officer not receive verification that the unit has been removed on or before March 2, 1999, the enforcement officer is directed to cite the responsible managing officer of the Respondent to appear in Wood River Justice Court with bail to be set by the Court in the sum of \$750.00 if this Order is not complied with.

Dated this 12th day of February, 1999.


NEAL G. BUCHANAN
Deputy Hearings Officer

NOTICE OF APPEAL RIGHTS

You are hereby notified that this Order 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 33.040 of the Klamath County Land Development Code, together with the fee required within SEVEN DAYS following the mailing date of this Order.

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STATE OF OREGON : COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County Hearings Officer the 12th day
of February A.D., 1999 at 3:09 o'clock P. M., and duly recorded in Vol. M99
of Deeds on Page 5161

FEE

No Fee

Linda Smith, County Clerk

by Kathleen Ross