

## BEFORE THE HEARINGS OFFICER OF KLAMATH COUNTY, OREGON

In the Matter of the Violation by:

Robert Kincaid

Respondent

)  
) ORDER VIOLATION # 57-99  
)  
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)

## 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 Respondent failed to appear, again. The planning department was represented.

## 3. LOCATION OF PROPERTY INVOLVED

The property is located at Nimrod River Park, 4<sup>th</sup> Addition, Blk, 27, Lot 23

## 4. EVIDENCE RECEIVED

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

## 5. FINDINGS OF FACT

The Hearings officer FINDS AS FOLLOWS:

- a. The respondent failed to appear at the second hearing, he did attend one hearing and requested a continuance.
- b. The continuance was granted to give the violator time to decide what he wanted to do. He failed to appear or call for the second hearing. This has been a repeated problem with this violator.
- c. The violator claimed to have problems with chronic depression which the hearings officer was sympathetic with.
- d. Respondent is living on the premises without proper sanitation and regardless of the circumstances of his life this is illegal and not permitted.
- e. Respondent was informed of the hearing date and told that he needed to apply for the proper permit or come to the hearing and let the county know what his plans were.
- f. Respondent failed to apply for the proper permits or to appear.
- g. Respondent has been camping and building un-permitted structures on the subject property without getting the proper permits.
- h. The violator has been given numerous chances to remedy these problems and chooses not to do so.

## 6. ORDER

THEREFORE, IT IS HEREBY ORDERED THAT:

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

The enforcement officer is directed to cite the Respondent to appear in Court with bail to be set by the court if this order is not complied with.

The Respondent is ordered to cease camping immediately and not reside at the premises.

Respondent is further ordered to either remove the trailers within 70 days or receive proper permits for them within that time and legalize their presence.

The County is authorized to take whatever measures it deems appropriate to remediate this problem.

Dated this July 30, 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.

Return to Commissioner's Journal

State of Oregon, County of Klamath  
Recorded 8/02/99, at 3:44 p. m.  
In Vol. M99 Page 30880

Linda Smith,  
County Clerk

Fee \$ n/c NR