

## BEFORE THE HEARINGS OFFICER OF KLAMATH COUNTY, OREGON

In the Matter of the Violation by:

Beeler

Respondent

) ORDER CUP 92-98

)

## 1. NATURE OF THE ASSERTED VIOLATION AND APPLICATION

Respondent is alleged to have been storing numerous items around the perimeter of his house which constitute improper storage and to have violated the order in 92-98 dated November 23, 1998.

## 2. NAMES OF PARTICIPANTS

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

## 3. LOCATION OF PROPERTY INVOLVED

7250 Wood Duck, Bly Mountain

## 4. EVIDENCE RECEIVED

All evidence consisted of the oral testimony, the materials submitted, photographs and the staff report.

## FINDINGS OF FACT

The Hearings officer FINDS AS FOLLOWS:

- a. The respondent did appear and offered testimony. He described some of the material around the property and admitted that many of the items which had previously been on the property and which he was to remove are still on the property. He did get the place somewhat improved and did remove some of the items.
- b. This situation has been an ongoing problem and Mr. Beeler has had several opportunities to resolve this problem in the past, unfortunately, he has failed to do so.

- c. Mr. Beeler was told that due to his efforts he would be given an unprecedented third chance to remedy the situation before it would be cited to court. He was further instructed that the conditional use permit for a pre 1976 mobile home was in jeopardy.
- d. Mr. Beeler stated that he wished to keep enough building materials neatly stacked to build a small shed in the spring.
- e. Photographs were submitted which show that although some progress has been made the property still is not compliant with County requirements.
- f. A previous order in this case required that the yard be cleaned up and landscaped by June of 1999 and that building materials and supplies would be covered and contained by Spring 1999.
- g. These deadlines were not met.

#### 5. ORDER

##### THEREFORE, IT IS HEREBY ORDERED THAT:

- 1. The hearings officer finds that as a matter of law the Respondent is in violation of the Klamath County Land Development Code.
- 2. The enforcement officer is directed to cite the Respondent to appear in the Wood River Justice Court with bail to be set at the maximum allowable by the court but to be no less than \$1,000 if the conditions of this order are not met.
- 3. Mr. Beeler shall remove the scrap materials from his property no later than November 27, 1999.
- 4. Mr. Beeler shall allow the unhindered and free access of the County Inspector and/or Code Enforcement officer to his property upon reasonable notice of no less than 2 hours.
- 5. Respondent shall maintain no more than one inoperable vehicle on the premises at any one time.
- 6. Respondent shall maintain the property so as to maintain compliance with the limitations of this order at all times.
- 7. Mr. Beeler may keep the BBQ, Phone booth and tractor outside. He may further maintain a small and easily identifiable stack of building materials such as lumber, and roofing under a tarp away from the road until next spring if these materials are for the construction of a shed. Any necessary permits for the shed shall be obtained before construction.
- 8. Due to the persistent nature of the problems in this location if Mr. Beeler or any successor in interest fails to meet all conditions of this permit the entire permit for his mobile home as granted in 92-96 is void as of the date that the condition is violated. Therefore, if any

46638

condition of this permit is violated, there will be no authorization to store materials outside at all and the County is authorized to pursue enforcement action up to and including abatement.

Dated this November 21, 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  
Recorded 11/24/99, at 10:04 a.m.  
In Vol. M99 Page 46636  
Linda Smith,  
County Clerk      Fee \$ NC

Return to Commissioner's Journal