

BEFORE THE HEARINGS OFFICER OF KLAMATH COUNTY, OREGON

In the Matter of the Citation) Violation No. 27-89
 against MIKE TAYLOR and/or) FINDINGS OF FACT,
 SALLIE TAYLOR.) CONCLUSIONS OF LAW AND
 _____) ORDER

This matter came before the Hearings Officer, Richard C. Whitlock, on October 6, 1989, in the Klamath County Commissioners Hearing Room. The Hearings was held pursuant to the Notice given in conformity with the Klamath County Land Development Code and related ordinances. The Respondents were represented at the Hearing by Sallie Taylor and she testified on behalf of both respondents. The Klamath County Planning Department was represented by Mr. Carl Shuck and the Recording Secretary was Karen Burg. The Klamath County Planning Department file and all contents thereof were incorporated in the record as evidence, and numerous communications of various types were also received into the record. The County Hearings Officer, after reviewing the evidence presented, makes the following Findings of Fact, Conclusions of Law and Decision:

FINDINGS OF FACT AND CONCLUSIONS OF LAW:

1. The Respondents were cited at their request, by the Klamath County Planning department on September 1, 1989 for establishing a "residential use" in a motor vehicle in a zone that does not permit said use.

2. The subject property is described as 9254 Old Fort Road, Klamath Falls, Oregon, described as T37, R9, Sec. 33, Tax Lot 600. The subject property is zoned FR (Forestry Range).

3. The Taylors moved onto their property in April of 1989 and lived in their motor home pending approval by Klamath County of their request to build upon the property. The FR zone requires a Conditional Use Permit to establish a residential, non-forest use. Because Plum Valley (which includes the subject property) was improperly subdivided, approximately five years ago Klamath County Counsel advised the Planning and Building Departments not to issue any building permits or use permits in Plum Valley and efforts on the part of Plum Valley owners to get a subdivision plat approved and efforts on the part of the Klamath County Commissioners to rectify the problem by local legislation have all failed.

4. In her testimony to the Hearings Officer, Mrs. Taylor did not deny that she and her family had previously lived on the property in the family motor home. Mrs. Taylor voiced her anger and frustration in trying to get authorization from the County to build a home since purchasing the property in March of 1989. Mrs. Taylor related numerous efforts on her part and on the part of similarly situated neighbors who have tried without success to get subdivision approval for the Plum Valley area which would allow area residents to build on their property. Mrs. Taylor also stated that she and her family no longer live on the property and are staying at the residence of Bill and Sandra McIntyre at 3935 Clovis Drive near Klamath Falls and Sandra McIntyre was present to confirm that arrangement. Mrs. Taylor further testified that she and her family were ready, willing and able to place a residence on

the property if and when Klamath County will allow. Bill Mason, a contiguous property owner also voiced his consternation over Klamath County's failure to respond to the problems faced by and owners in Plum Valley. A letter from Dick Brooks referred to by Mr. Mason was investigated by Mr. Shuck and he advised that Mr. Brooks stated he did not send a letter.

5. "Residential" use is defined in LDC Section 91.001 as the "occupancy of living accommodations on a wholly, primarily non-transient basis" and "residence" is defined in LDC Section 11.002 as "permanent living quarters for a family and not temporary or overnight accommodations."

6. It is clear that the Taylor's were using their motor home on their property as a "residence" and that they were making "residential" use of their property from April of 1989 until they moved from their property and that this use constitutes a "nonconforming use" of the property as defined by LDC 97.002.

ORDER:

Mike Taylor and Sallie Taylor are found to have previously been in violation of the Klamath County Land Development Code for establishing a "residential use" in a motor vehicle on land zone FR, which does not permit said use. However, the Taylors are further specifically found not to be in violation of LDC at the present time by virtue of having moved their motor home and family from the premises.

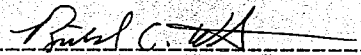
Mike Taylor and Sallie Taylor are ordered to:

1. Immediately cease and desist from any residential

use of their property without first obtaining the property approvals from the Klamath County Planning and Building Departments.

In the event that the Respondents fail to comply with this Order, or in the event that either violates the Code relating to the residential use of their property, then the Klamath County Planning Director is ordered to issue a citation or citations per Klamath County Ordinance 57 which may result in the imposition of fines of up to \$500.00 per day.

DATED this 17th day of October, 1989.


 RICHARD C. WHITLOCK, HEARINGS OFFICER

Klamath County Land Development Code Section 24.007 provides:

"An Order of the Hearings Officer shall be final unless appealed within ten (10) days of its mailing by a party having standing in accordance with the procedures set forth in Chapter 3, Article 33 of this Code."

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County the 19th day
 of Oct. A.D., 1989 at 9:40 o'clock AM., and duly recorded in Vol. M89,
 of Deeds on Page 19899.

FEE none

Evelyn Biehn County Clerk

By Pauline M. Miller

REturn: Commissioners Journal