

BEFORE THE HEARINGS OFFICER OF KLAMATH COUNTY, OREGON

In the matter of the violation/
citation of

JAMES MCCLURG

) VIOLATION/CITATION
) NO. VC 9-93
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This matter came before Michael L. Brant, Hearings Officer for Klamath County, Oregon, on August 6, 1993, in the County Commissioners' Hearing Room in Klamath Falls, Oregon. The hearing was held pursuant to notice given in conformity with the Klamath County Land Development Code and related statutes and ordinances. The Klamath County Planning Department was represented by Mr. Carl Shuck and the recording secretary was Ms. Karen Burg. This hearing had been continued from June 25, 1993 to July 23, 1993 and again continued to August 6, 1993. The applicant was present. Also present were Marilyn Buehler, owner of the subject mobile home park; Alan Barnes, Klamath County Building Official; and Robert Baggett, Klamath County Environmental Health Director. Testimony was received from Marilyn Buehler, Alan Barnes, and Robert Baggett.

FINDINGS OF FACT

The applicant is and has been maintaining residential use in the 32-foot fifth wheel recreational travel trailer in a mobile home park located 2047 Etna Street, Space "D", as precluded by section 84.040 of the Klamath County Land Development Code. Marilyn Buehler does not have a license to operate a recreational park. The applicant intends to maintain a permanent residence on the location. The applicant has met all of the requirements of the sanitary codes and the Klamath County Building Codes. ORS 446.003

(35) defines a recreational vehicle as a vehicle with or without motive power, which is designed for human occupancy and to be used temporarily for recreational, seasonal or emergency purposes, and has a gross floor area not exceeding 400 square feet in the set-up mode and as further defined, by rule, by the agency. ORS 801.565 defines travel trailer as a tent trailer or any other trailer that (1) is of a type designed to be used on the highways; (2) is capable of use for human habitation; (3) is not more than eight feet wide, as measured when any expansion sides or tipouts are in the usual travel position; (4) is six feet or more in height from floor to ceiling, as measured with any expansion sides or tipouts fully extended and the trailer fully telescoped to the full extent; and (5) except for a tent trailer, has four permanent walls when in the usual travel position. ORS 308.880 provides: "The owner of any travel trailer described in ORS 801.565 which is being used either as a permanent home or for other than recreational purposes may apply to the assessor in the county in which it has situs to have the travel trailer assessed for ad valorem taxation. If the assessor determines that the travel trailer is being used either as a permanent home or for other than recreational uses, the assessor shall place the travel trailer on the assessment and tax rolls the same as if it were a mobile home. The assessor shall accept the travel trailer plate for the vehicle and return them to the Motor Vehicles Division of the Department of Transportation, and shall assist in obtaining a permanent identification plate under ORS 820.500, from the division for the travel trailer. Any travel trailer placed on the assessment and tax rolls under this section

shall be considered as a mobile home for all purposes."

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CONCLUSION OF LAW

The applicant is in violation of section 84.040 of the Klamath County Land Development Code. The applicant can cure the violation by applying to the Klamath County Assessor to have the travel trailer assessed for ad valorem taxation. When the applicant's travel trailer has been placed on the assessment and tax rolls as if it were a mobile home and the travel trailer license plate has been delivered to the Klamath County Assessor, the violation will be cured.

ORDER

The applicant is in violation of section 84.040 of the Klamath County Land Development Code. James McClurg shall apply to the Klamath County Assessor to have the travel trailer assessed for ad valorem taxation and deliver the recreational vehicle license plate to the Klamath County Assessor within sixty (60) days of the date of this order. In the event that James McClurg fails to so apply to have the travel trailer assessed for ad valorem taxation, then James McClurg shall remove the travel trailer from 2047 Etna Street no later than the sixty-fifth (65th) day following the date of this order.

DATED THIS 27th day of August, 1993.

Michael L. Brant
Michael L. Brant
Hearings Officer

KLAMATH COUNTY LAND DEVELOPMENT CODE SECTION 24.060 PROVIDES:

"An Order of the Hearings Officer may be appealed to the Board of County Commissioners within seven (7) days of its mailing as set forth in Article 33."

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County Planning the 30th day
of August A.D., 19 93 at 2:32 o'clock P M., and duly recorded in Vol. _____
of Deeds on Page 21877
Evelyn Biehn County Clerk
By Pauline M. Mulvaney

FEE No Fee