

BEFORE THE HEARINGS OFFICER OF KLAMATH COUNTY, OREGON

In the matter of the Temporary
Use Permit for

NED PUTNAM/KEN BAILEY

Applicants

TEMPORARY USE PERMIT

TUP 5-94

This matter came before Michael L. Brant, Hearings Officer for Klamath County, Oregon, on August 19, 1994, in the Klamath County Museum Meeting Room in Klamath Falls, Oregon. The hearing had been continued from August 5, 1994. 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. Kim Lundahl who also served as the recording secretary. The Klamath County Planning Department staff report was received. Ken Bailey appeared and testified on August 5, 1994. Mr. Robert Baggett, Environmental Health Director of the Klamath County Department of Human Health Services, Public Health Division, also testified. Neither Ken Bailey nor Ned Putnam appeared on August 19, 1994.

FINDINGS OF FACT

1. Ned Putnam owns 1.51 acres of RS zoned property at 5251 Washburn Way in Klamath County Oregon which is leased by Ken Bailey. The Sway-lamor trailer business is maintained on the property. Also located on the property are a manufactured dwelling, occupied by Ken Bailey's wife, and a recreation trailer used as a residence for Mrs. Bailey's care provider. Mrs. Bailey suffers a medical hardship which requires full time care in addition to the

care which Mr. Bailey is able to provide.

2. On January 27, 1994 a Temporary Use Permit (5-94) (954171) was granted. The authorization to connect the recreation trailer to the existing septic system is required.

3. Mr. Bailey has paid the fee to accompany the application for inspection which is required before the approval to connect can be authorized.

4. Mr. Putnam has not signed the application which authorizes the inspection and Mr. Bailey has refused to sign the application.

5. Mr. Bailey testified that he has had a problem in the past with a trespasser. He does not want any other trespassers. Furthermore he believes that if he signs the application he would be subjecting himself to a jurisdiction which he does not recognize as having any authority and to which he is unwilling to subject himself.

5. The Hearings Officer allowed Mr. Putnam and/or Mr. Bailey additional time from August 5, 1994 to August 19, 1994 to comply with the requirement to sign the application. Neither of the gentlemen has signed the application.

CONCLUSION

Mr. Putnam and Mr. Bailey have failed, refused or neglected to fulfill the requirements for the Temporary Use Permit.

ORDER

The Code Enforcement Officer shall initiate enforcement pursuant to the Klamath County Land Development Code Article 14 to compel Mr. Ned Putnam to show cause why the Temporary Use Permit

27603

should not be revoked.

DATED THIS 30th day of August 1994.

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 the 2nd day
of Sept. A.D., 19 94 at 11:05 o'clock AM. and duly recorded in Vol M94
of Deeds on Page 27601

FEE none

Melvyn Biehn County Clerk

By Dorcas Mullen

Commissioners Journal