

BEFORE THE HEARINGS OFFICER OF KLAMATH COUNTY, OREGON

In the matter of the violation/)	
citation of)	VIOLATION/CITATION
)	NO. VC 53-95
FRED and ANN MULKEY)	
Respondents)	
)	
)	

This matter came before Michael L. Brant, Hearings Officer for Klamath County, Oregon, on October 6, 1995, in the Klamath County Museum Meeting 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. Kim Lundahl and the recording secretary was Ms. Karen Burg. It has been alleged that Mr. and Mrs. Mulkey have been residing in a recreational vehicle for more than five months per year without the required Temporary Use Permit.

FINDINGS OF FACT

Neighbors of the Respondents testified orally and in writing in support of Mr. and Mrs. Mulkey. The preponderance of the evidence established that the respondents are fine upstanding people who are improving their property and are to be commended for their successful maintenance of their property. They have expended substantial sums of money for the improvements. They are "SNOWBIRDS" who spend winters in the southwestern USA. Mr. and Mrs. Mulkey reside in their recreational vehicle on their property described as Lots 5 and 6, Rivers Bend in excess of five months per year without a Temporary Use Permit. Although they may be physically absent from their recreational vehicle from time to

time, the presence of that vehicle as their only residence on their lots for more than five months per year requires a Temporary Use Permit.

CONCLUSION

Mr. and Mrs. Mulkey are in violation. We cannot pick and choose who will be required to obey the law and who will not be required to obey the law.

ORDER

Mr. and Mrs. Mulkey shall either apply for a Temporary Use Permit or remove the Recreational vehicle from their lots by November 1, 1995. In the event Mr. and Mrs. Mulkey leave to go south for the 1995/1996 winter by November 1, 1995 they shall not be required to obtain the Temporary Use Permit until they will again be using their recreational vehicle on their lots in excess of five months per year.

Dated this 6th day of October, 1995.

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 17th day
of October A.D., 19 95 at 11:25 o'clock A M., and duly recorded in Vol. M95
of Deeds on Page 28245.

FEE No Fee

By Bernetha G. Letsch, County Clerk
Annette Mueller

Return: Commissioners Journal