

1 In the Matter of Violation No.)
2 8-85/Roger Chancellor)

Klamath County Planning
Findings of Fact and Order

3 A hearing was held on this matter on July 18, 1985, pursuant
4 to notice given in conformity with Ordinance No. 45.2, Klamath
5 County, before the Klamath County Hearings Officer, Jim Spindor.
6 The Klamath County Planning Department was represented by Jonathan
7 Chudnoff and Claudia Stine.

8 The conclusion that Roger Chancellor is in violation of the
9 Klamath County Land Development Code is based on the following
10 Findings of Fact:

11 FINDINGS OF FACT:

12 1. Mr. Chancellor is a well drilling contractor who moved
13 his well drilling business to this property in 1979. As business
14 has grown, more equipment has come to the property where it is
15 stored and maintained. At the present time, the equipment includes
16 a drilling rig, flatbed trailer, pickup trucks, fuel storage tanks,
17 and a forklift.

18 2. The property is located in the Green Acres subdivision.
19 The property is in the Suburban Residential zone. It is rectangu-
20 lar in shape and approximately 155 feet by 380 feet. As can be
21 seen from Exhibit "E", the Chancellor property is one in a row
22 of houses on Valley View Lane.

23 3. The Nelsons, who reside next to Mr. Chancellor, appeared
24 and testified that they object to having this business next to
25 their residence. The Nelsons object to having large equipment
26 connected with this business at the property (see Exhibit "D"
27 which pictures some of this equipment), as well as to the noise
28 caused in cleaning the equipment and in warming up the diesel

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1 equipment. The Nelsons state that this noise occurs intermittently
2 from the early morning hours until late at night and that it dis-
3 turbs them and their children.

4 4. Mr. Chancellor's business cannot qualify as a home occu-
5 pation under Article 95 of the Code because the equipment involved
6 is not such as may be used for purely domestic purposes.

7 5. Forty-five days is a reasonable time within which to
8 have Mr. Chancellor correct this violation.

9 CONCLUSIONS OF LAW:

10 1. Roger Chancellor is currently in violation of the Klamath
11 County Land Development Code because he is using the property in
12 question for a well-drilling bussiness in the Suburban Residential
13 zone. This business cannot qualify as a home occupation under
14 the Code.

15 2. Roger Chancellor shall have 45 days from the date of this
16 order to correct this violation. Roger Chancellor shall move all
17 business equipment, the business fuel tank, and all business
18 vehicles except one pick-up truck from this property, and he shall
19 not use this property to clean or service or store any business
20 equipment or vehicles.

21 The Hearings Officer, based on the foregoing Findings of Fact,
22 accordingly orders as follows:

23 That real property described as:

24 "being generally located at 5233 Valley View Lane,
25 and more particularly described as Lot 4, Block 2,
26 Green Acres, Klamath County, Oregon,"

27 is to be cleared of all business equipment, the business fuel tank,
28 and all business vehicles except one pick-up truck, and that said
property shall not be used to clean or service or store any busi-
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1 mess equipment or vehicles. This violation shall be corrected
2 within 45 days from the date of this order.

3 Entered at Klamath Falls, Oregon, this 5th Day of August
4 1985.

5 KLAMATH COUNTY HEARINGS DIVISION

6
7 *[Signature]*
8 Hearings Officer

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STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of _____ the 6th day
of August A.D., 19 85 at 9:25 o'clock A M., and duly recorded in Vol. M85
of Deeds on Page 12369.

FEE NONE
Return: Commissioners' Journal

Evelyn Biehn, County Clerk
By *[Signature]*

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