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Vol. 1284 Page 129C6

BEFORE THE HEARINGS OFFICER OF KLAMATH COUNTY, OREGON

In the Matter of the Formal)
Uniform Citation 1(45-86))
citing JAMES SHANKLIN, DEBORAH)
SHANKLIN or JEAN SHANKLIN.)

FINDINGS OF FACT, CONCLUSIONS
OF LAW AND ORDER

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This matter came before the Hearings Officer of Klamath County, Oregon for Supplemental Hearing on the Klamath County, Oregon Uniform Citation Notice of Enforcement Hearing No. 1 (45-86). Said citation required James Shanklin, Deborah Shanklin or Jean Shanklin to appear before the Hearings Officer on October 2, 1986 at 9:00 a.m. to show cause why the provisions of the Klamath County Land Development Code should not be enforced. Said citation charged the Shanklins with violations of the Klamath County Land Development Ordinance Section 51.005 by committing or permitting the violation of the provisions of the RS Zone in the following particulars:

1. Maintaining a firewood sales yard without approved Conditional Use Permit; and
2. Maintaining a chainsaw repair and sharpening shop without an approved Conditional Use Permit at a location described as 4708 Shasta Way, Klamath Falls, Oregon.

A Hearing was conducted by Klamath County Hearings Officer James Spindor on October 2, 1986 wherein Mr. Spindor received testimony under oath from James Shanklin, Jean Shanklin and Mark Shanklin on behalf of the Shanklins and from Debbie Herrera and John Kunze in support of the citation. Hearings Officer Spindor did not issue any formal Findings of Fact or Order following that

hearing. Thereafter, the Klamath County Board of Commissioners appointed William M. Ganong as County Hearings Officer. Hearings Officer Ganong reviewed the tape recorded testimony presented before Mr. Spindor and the Planning Department file concerning this matter. Hearings Officer Ganong then issued proposed Findings of Fact, Conclusions of Law and Order dated April 28, 1987. Said proposed findings provided that the Shanklins could request a further hearing to supplement the record or respond to the proposed Findings of Fact and Conclusions of Law contained in the proposed Order issued by Hearings Officer Ganong. Thereafter, by letter dated May 7, 1987, Jean Shanklin did respond to proposed Findings of Fact.

At the request of the Hearings Officer, a supplemental public hearing was scheduled for June 18, 1987 at 9:00 a.m. On that date, Jean Shanklin and James Shanklin, Jr. appeared before the Hearings Officer and testified further concerning the previous use of the subject property.

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

The Hearings Officer having considered the statements set forth in the letter dated May 7, 1987, of Jean Shanklin and the testimony presented on June 18, 1987 by Jean Shanklin and James Shanklin, Jr. finds that the Findings of Fact, Conclusions of Law and Order set forth in the proposed Order referred to above dated April 28, 1987 are true and correct. The Findings of Fact, Conclusions of Law and Order set forth in said Order of April 28,

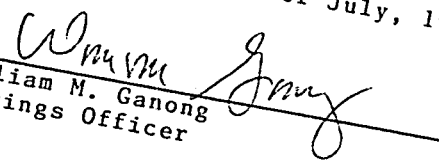
1987, are adopted hereby, incorporated herein by this reference and attached hereto as an Exhibit to this Order.

Jean Shanklin and any other persons residing or having an interest in the real property located at 4708 Shasta Way and more particularly described as Klamath County Assessor's Tax Lot No. 3909-2BA-7500 are hereby ordered to cease and desist from conducting or permitting any home occupation other than a seamstress shop on the above described property until such time as they have received a Conditional Use Permit for conducting a home occupation. This Order shall be effective upon service of the same on the above named person in the manner provided for service of notice by the Klamath County Land Development Code.

Klamath County Land Development Code, Section 14.012, provides that any person, firm, corporation or other entity who has been found by the Hearings Officer to have violated any provisions of the code and who does not comply with the Order of the Hearings Officer shall be punished by a fine not exceeding \$100 for each day of violation where the violation is a continuing one, but such fine may not exceed \$1,000, or a fine of \$500 where the violation is not a continuing one. District Court and Circuit Court have concurrent jurisdiction over the prosecution of violations of the code. The Planning Director of Klamath County, Oregon is hereby directed to refer any alleged violations of this Order to the District Attorney of Klamath County, Oregon for prosecution in the manner provided in the Klamath County Land Development Code.

Dated this 15th day of July, 1987.

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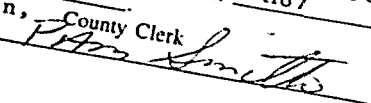

William M. Ganong
Hearings Officer

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County Planning Department the 20th day
of July A.D. 19 87 at 4:26 o'clock P M., and duly recorded in Vol. M87
of Deeds on Page 12906

FEE NONE

Return: Commissioners' Journal

By Evelyn Biehn, County Clerk


SHANKLIN - CITATION - Page 4