

In the Matter of the Request
for a Conditional Use Permit
for NORMAN J. SHANKLIN and
GEAN M. SHANKLIN

C.U.P. 33-87
FINDINGS OF FACT, CONCLUSIONS
OF LAW AND ORDER

This matter came before Hearings Officer William M. Ganong on August 20, 1987 in the Klamath County Commissioner's Hearing Room. The Hearing was held pursuant to the Notice given in conformity with the Klamath County Land Development Code and related ordinances. The applicants represented themselves at the hearing. The Klamath County Planning Department was represented by Mr. Kim Lundahl and the Recording Secretary was Karen Burg. The Klamath County Planning Department file and all contents thereof were incorporated in the record as evidence. The County Hearings Officer, after reviewing the evidence presented, makes the following Findings of Fact, Conclusions of Law and Decision:

FINDINGS OF FACT:

1. The Applicant has requested a Conditional Use Permit to conduct the home occupation of chainsaw chain grinding (sharpening) and chainsaw bar repair on property located at 4708 Shasta Way, Klamath Falls, Oregon, which said property is Klamath County Tax Assessor Lot 3909-2BA-7500. The subject property is approximately 114 feet wide and 150 feet deep.
2. The Findings of Fact contained in the Klamath County Staff Report are adopted hereby and incorporated herein by this reference.
3. The applicants have applied for a Conditional Use Permit in the past and been denied. The general basis for that denial was the understanding of the Hearings Officer and adjoining property owners that the applicant intended to conduct chainsaw motor repair on the subject property. The applicants are specifically requesting a Conditional Use Permit to conduct chainsaw chain

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sharpening and chain bar repair only and will not conduct an occupation of chainsaw motor repair. The work of the applicant will be conducted entirely within a work shop and not outside said work shop. The applicants also testified repeatedly that no noise from this home occupation will be audible from adjoining properties. The applicants testified that they and perhaps one son and his wife will be the only employees of this business.

KLAMATH COUNTY LAND DEVELOPMENT CODE CRITERIA

Klamath County Land Development Code Section 44.003 sets forth the criteria for granting a Conditional Use Permit in addition, Article 85 of said Code provides restrictions on the operation of home occupation.

KLAMATH COUNTY CODE FINDINGS OF FACT AND CONCLUSIONS

The following Findings of Fact and Conclusions are made concerning the criteria set forth in Klamath County Land Development Code Section 44.003:

A. The subject use of a home occupation is conditionally allowed in the residential zone which applies to this property pursuant to Klamath County Land Development Code Section 51.005 and Article 85 of the Code.

B. The location, size, design and operating characteristics of the proposed use are in conformance with the Klamath County Comprehensive Plan. The Findings of Fact contained in the Klamath County Staff Report are adopted hereby and incorporated herein by this reference.

C. Subject to strict compliance by the applicants with the conditions set forth hereinafter, the location, size, design and operating characteristics of the proposed development will be compatible with and will not have a significant adverse affect on the appropriate development and use of abutting properties in the surrounding neighborhood. In the past, the major objection of the adjoining landowners was to noise from chainsaw motors emanating from the subject property. The applicants have testified that they are not going to

do any chainsaw motor repair and that therefore, there will be no chainsaw motor noise emanating from their property. They further testified that the chainsaw grinding and chainbar repair work that they intend to do will create no noise which is audible from adjoining properties. The applicants testified that they can provide adequate offstreet parking for customers of their business and that the two applicants and one son and daughter-in-law will be the only employees or people working in this business.

ORDER

The subject application for a Conditional Use Permit for the above said applicants to conduct a home occupation of chainsaw chain grinding and chainbar repair is granted subject to the applicants' strict compliance with the following conditions:

1. Prior to conducting their business, the applicants shall provide, for review and approval by the Planning Director, a landscaping, parking and fencing plan which shall meet the requirements of Klamath County Land Development Code. The applicant shall not commence operation of their business until the Planning Director has approved said plan.
2. This permit is granted to Norman J. Shanklin and Jean Shanklin. It cannot be assigned or used by any other parties. It shall be good only for so long as either Jean Shanklin or Norman J. Shanklin are residing on the subject property and are actively involved in the business. The applicants shall not conduct any chainsaw motor repair on the subject property and shall limit their activities to chainsaw grinding and chainbar repair.
3. The applicants shall limit the hours of their business from 8:30 a.m. to 5:00 p.m. Monday through Saturday. They shall not operate their business on Sunday or during any hours before 8:30 a.m. or after 5:00 p.m.

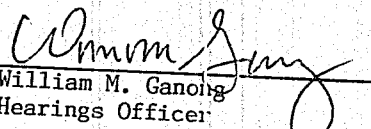
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4. This permit is subject to reconsideration and review in the event that the Planning Department receives any complaints from adjoining or nearby property owners that noise from the business is audible from their property.

5. This permit is further subject to the applicants maintaining their property in a clean and orderly manner free of garbage, junk and nonoperating vehicles and parts.

6. This permit is further subject to the applicants complying strictly with all of the requirements of the Klamath County Land Development Code, Klamath County Building Ordinances and requirements of Klamath County Health Services and any other governmental regulations, orders and laws.

DATED this 4th day of September, 1987.


William M. Ganoing
Hearings Officer

Klamath County Land Development Code Section 24.007 provides:

"An Order of the Hearings Officer shall be final unless appealed within ten (10) days of its mailing by a party having standing in accordance with the procedures set forth in Chapter 3, Article 33 of this Code."

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County Planning Department the 9th day
of September A.D., 19 87 at 3:43 o'clock P M., and duly recorded in Vol. M87
of Dreds on Page 16396
Evelyn Biehn, County Clerk

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Return: Commissioners' Journal

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