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BEFORE THE HEARINGS OFFICER OF KLAMATH COUNTY, OREGON

In the Matter of the Citation ) VIOLATION NO. 27-87  
 against M.I. PAGH and DAISY PAGH ) FINDINGS OF FACT, CONCLUSIONS  
 OF LAW AND DECISION

This matter came before William M. Ganong, the Hearings Officer of Klamath County, Oregon, on August 6, 1987 in the Klamath County Commissioner's Hearing Room. The Hearing was held pursuant to Notice given in conformity with the Klamath County Land Development Code and related ordinances. M. I. Pagh and Daisy Pagh were present and represented themselves at the hearing. The Klamath County Planning Department was represented by 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. Mr. and Mrs. Pagh were cited on July 22, 1987, pursuant to Article 14 of the Klamath County Land Development Code, for violations of Section 51.004 (B) (9) for allowing more than four large animals on a lot which is approximately 1.1 acres in size located near Keno, Oregon. The subject lot is zoned R-1 Rural Residential and the above referenced section of the code provides that not more than four large animals per lot may be kept on an acre of land. Large animals, as the term is used in the Klamath County Land Development Code, includes cattle, sheep, hogs and horses.

The applicants admit that they currently have one ram, three adult ewes and three young sheep on their property. The Planning Department Staff has received complaints indicating that the Pagh's were maintaining up to nine sheep on their property.

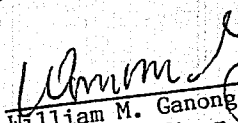
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ORDER

M. I. Pagh and Daisy Pagh are found to be in violation of Klamath County Land Development Code Section 51.004 (B) (9) for maintaining more than four large animals per acre on their property zoned R-1 Rural Residential. M. I. Pagh and Daisy Pagh are ordered to cease and desist from maintaining more than four large animals per acre in the R-1 Zone on any property owned by them or under their control or use. The Pagh's are granted to August 30, 1987 to reduce their herd size to not more than four large animals per acre. If the Pagh's fail to reduce their herd size to not more than four large animals per acre, or if the Pagh's thereafter maintain more than four large animals per acre, or land under their control in the R-1 Zone, they shall be subject to the penalties provided in Klamath County Land Development Code Section 14.012 which includes a fine not to exceed \$100 per day for each day of violation of the Land Development Code, but not to exceed \$1,000 or a fine of \$500 where the violation is not a continuing violation. The Klamath County Planning Director is directed to refer any further violations by the Pagh's of the above referenced Code Section to the District Attorney of Klamath County, Oregon or other appropriate County Official for prosecution in the manner provided by the Klamath County Land Development Code.

DATED this 18th day of August, 1987.

  
William M. Ganong  
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."

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STATE OF OREGON: COUNTY OF KLAMATH: ss. \_\_\_\_\_ the \_\_\_\_\_ 25th day  
Klamath County Planning Dept. \_\_\_\_\_  
Filed for record at request of \_\_\_\_\_ of \_\_\_\_\_ A.D., 19 87 at 9:15 o'clock \_\_\_\_\_ A.M., and duly recorded in Vol. \_\_\_\_\_ M87.  
of August \_\_\_\_\_ of \_\_\_\_\_ Deeds \_\_\_\_\_  
By Evelyn Biehn, \_\_\_\_\_ County Clerk

FEE NONE

Return: Commissioners' Journal