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BEFORE THE HEARINGS OFFICER OF KLAMATH COUNTY, OREGON

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In the Matter of the Citation
against HERBERT WAGNER) VIOLATION NO. 12-87
) 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 the Notice given in conformity with the Klamath County Land Development Code and related ordinances. Herbert Wagner was present and represented himself at the hearing. In addition, Pamela Deaton and Gary Deaton, the tenants of the subject property were also present. 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 AND ORDER:

Herbert Wagner was cited on July 22, 1987 pursuant to Article 14 of the Klamath County Land Development Code for permitting and allowing the violation of Section 51.005 (B) (6) of said Code. Said citation alleges that four large animals (horses) were maintained on a lot 0.65 acres in size whereas the RS zoning of the property only allows maintenance of two large animals on said lot.

The subject property is located at 3347 Homedale Road, Klamath Falls, Oregon and is Klamath County tax lot No.

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3909-11AA-8200. The subject property is rented to Pamela Deaton and Gary Deaton. 15271

Mr. Wagner and Mr. and Mrs. Deaton admit the truth of the alleged violation but testified that all but one of the horses have been removed from the property.

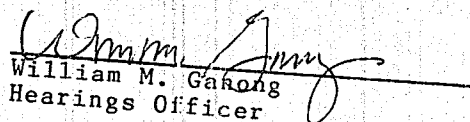
Teresa Michaelis, an adjacent resident, testified that the horses have escaped from the subject property in the past and trespassed onto her land. Ms. Michaelis also testified that at times in the past the subject property has not been kept clean and an offensive odor has emanated from the subject property.

All parties who testified agreed that the property has been cleaned up and the offensive odor is no longer a problem.

As of August 6, 1987, Herbert Wagner had abated the admitted violation of Section 51.005 (B) (6) and as of that date was not in violation of that Section. Herbert Wagner is hereby ordered to not suffer or permit a violation of said Land Development Code Section in the future. Further violations of said Section after this date may result in the penalties set forth in Article 14 of the Klamath County Land Development Code. The Klamath County Planning Director is directed to investigate any further complaints of violations and if the Planning Director finds a further violation of said code section he shall refer this citation to the District Attorney of Klamath County, Oregon or another representative of the County for prosecution in the manner provided by the Klamath County Land Development Code.

DATED this 18th day of August, 1987.

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William M. Gahong
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 Dept. the 25th day
of August A.D., 19 87 at 9:15 o'clock A M., and duly recorded in Vol. M87
of Deeds on Page 15270

FEE NONE

Return: Commissioners' Journal

Evelyn Biehn, County Clerk

By 