

BEFORE THE HEARINGS OFFICER OF KLAMATH COUNTY, OREGON

In the Matter of the Violation by:

LARRY RENICKER

Respondent

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ORDER VIOLATION # 79-96

1. NATURE OF THE ASSERTED VIOLATION

Respondent is alleged to have been maintaining an excess of large animals, to wit horses on property which is not zoned for such use.

2. NAMES OF PARTICIPANTS

The hearings officer reviewing this violation is Joan-Marie Michelsen. The planning department was represented by Kim Lundahl. The recording secretary Karen Burg. The alleged violator appeared at the hearing as did two witnesses.

3. LOCATION OF PROPERTY INVOLVED

At the general location of SW corner of O'Neil Dr and K, St. in the Frontier Tracts, Rocky Point, OR.

4. EVIDENCE RECEIVED

All evidence consisted of the oral testimony given July 10, 1998, letters and materials in the file, photographs submitted by both sides, and the staff report.

5. FINDINGS OF FACT

The Hearings officer FINDS AS FOLLOWS:

- a. That the subject property including both parcels comprises over one acre of land for the purposes of the Klamath County Code.
- b. That the land is in fact zoned R-1 even though many of the parcels are smaller.
- c. That this zoning permits 2 horses per acre.
- d. That Mr. Renicker has at times had in excess of this number of horses, and at other times has had fewer.
- e. That the pasturage or corralling of horses in this area, given how clean Mr. Renicker keeps the area is not inappropriate in this zone although it clearly is a problem for some of the other people living in the area.
- f. That Mr. Renicker has in fact maintained the corrals to be fairly clean.
- g. That there is no threat to the water quality of the area posed by the horses.

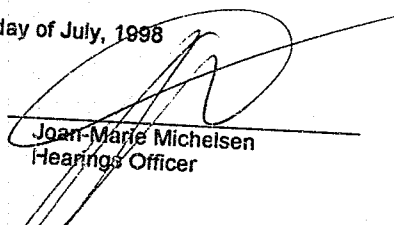
6. ORDER

THEREFORE, IT IS HEREBY ORDERED THAT:

- a. The hearings officer finds that as a matter of law the Respondent has at times been in violation of the Klamath County Land Development Code.
- b. Mr. Renicker is allowed to keep an average of two horses on this property year round.
- c. As he seems to have done in the past, Mr. Renicker shall maintain the corral frequently and insure that there is not a build up of manure in the corral or in the pasture, any build up of manure which is generated on site shall be removed from the property.
- d. Mr. Renicker may have more than two horses in the corral for very brief periods of time in conjunction with the riding, exercising, and medical requirements of the horses.

If the above conditions are not adhered to, then the enforcement officer is directed to take appropriate enforcement action.

Dated this 10th day of July, 1998


Joan Marie Michelsen
Hearings Officer

NOTICE OF APPEAL RIGHTS

Your are hereby notified this application may be appealed to the Klamath County Board of Commissioners by filing with the Klamath County Planning Department a Notice of Appeal as set out in Section 33.004 of the Klamath County Land Development Code together with the fee required within SEVEN DAYS (7) following the mailing date of this order.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County the 13th day
of July A.D., 19 98 at 1:32 o'clock P M., and duly recorded in Vol. M98
of Deeds on Page 24997.

FEE None

By Ernesta G. Letsch, County Clerk
