

BEFORE THE HEARINGS OFFICER OF KLAMATH COUNTY, OREGON

In the Matter of the Violation by:

Unicom Point Animal Sanctuary

Respondent

)
) ORDER VIOLATION # 53-98
)
)
)

1. NATURE OF THE ASSERTED VIOLATION

Respondent is alleged to have been maintaining an excess of large and small animals, in an animal sanctuary on land 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 was Karen Burg. The alleged violator appeared at the hearing as did a number of witnesses in support of the use and one who was opposed to the use.

3. LOCATION OF PROPERTY INVOLVED

At the general location of Blacktail and Kodiak Lands on Bly Mountain OR.

4. EVIDENCE RECEIVED

All evidence consisted of the oral testimony given August 7, 1998, letters and materials in the file, and the staff report.

5. FINDINGS OF FACT

The Hearings officer FINDS AS FOLLOWS:

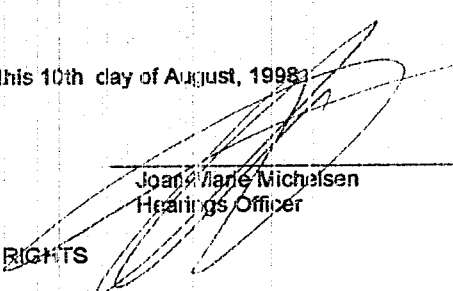
- a. That the subject property comprises 7.5 acres of land
- b. That in the past there have been an excessive number of large and small animals on the site.
- c. That in the past there have been an excessive number of dogs on the site and that this has disturbed some of the neighbors due to the noise, other neighbors have not been bothered.
- d. That the number of large animals has been reduced to now be 15 large animals, which is right at the limit.
- e. That the number of small animals has been reduced to now be 75 cats and 4 dogs with several puppies who are less than 6 months old and lack their canine teeth.
- f. That the zoning for this area allows 2 large animals and 24 small animals per acre.
- g. That this type of use is not contemplated by the zoning, however, neither is it precluded as long as the facility is operating within parameters.
- h. That there is no violation at this time.

THAT THEREFORE, IT IS HEREBY ORDERED THAT:

a. That Unicorn Point not exceed the permitted number of animals, large or small, counting cats and fowl as small animals and pigs of any sort as large animals.

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

Dated this 10th day of August, 1998


Joan Marie Michelsen
Hearings Officer

NOTICE OF APPEAL RIGHTS

You 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 11th day
of August A.D., 19 98 at 3:58 o'clock P. M., and duly recorded in Vol. M98
of Deeds on Page 29529

Return: Commissioners Journal

Bernetha G. Leisch, County Clerk

FEE

No Fee

By

Kathleen Raza