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BEFORE THE HEARINGS OFFICER  
KLAMATH COUNTY, OREGON

In the Matter of Request for )  
Conditional Use Permit 78-25 ) Klamath County Planning  
for Art & Brenda Penoli ) FINDINGS OF FACT AND ORDER

A Hearing was held in this matter at Klamath Falls, Oregon, on October 11, 1978, pursuant to notice given in conformity with Ordinance No. 35, Klamath County, before Klamath County Hearings Officer, Jim Spindor. The applicant was present. The Klamath County Planning Department was represented by Carl Shuck. The Hearings Reporter was Pat Harris.

Evidence was presented on behalf of the Department and on behalf of the applicant. There were adjacent property owners present who stated they had objections to the proposed Conditional Use Permit requested by the applicant.

The following Exhibits were offered, received and made a part of the record:

- Klamath County Exhibit A, the Staff Report
- Klamath County Exhibit B, photos of the subject property
- Klamath County Exhibit C, Klamath County Assessor's map of the subject property
- Klamath County Exhibit D, Klamath County Zoning Map of the subject property.

The hearing was then closed, and based upon the evidence submitted at the hearing, and after personal inspection of the site by the Hearings Officer, the Hearings Officer made the

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1 following findings of fact:

2 FINDINGS OF FACT:

3 1. The site is adequate in size and shape to house  
4 the proposed activity and will fit in with the neighborhood so  
5 long as the conditions set forth herein below are followed.

6 2. The site has adequate access to the streets and  
7 highways to carry the traffic flow generated by the proposed  
8 use.

9 3. There would be no adverse affect on the abutting  
10 property owners, so long as the conditions set forth herein be-  
11 low are followed.

12 4. The granting of this permit is consistent with  
13 the goals of the LCDC.

14 5. This conditional use permit is granted, subject  
15 to the following conditions:

16 1. The size of the kennel shall be limited to a  
17 single building no larger than 15' x 55'; and

18 2. The kennel shall not be used to house more than  
19 twelve (12) dogs; and

20 3. The applicant shall install an adequate animal  
21 septic tank to serve said kennel; and

22 4. The applicant shall keep the kennel and premises  
23 in a clean and helathful condition, such as shall have no ad-  
24 verse affect on adjacent property owners; and

25 5. The applicant shall keep all dogs inside as is  
26 necessary to prevent adjacent property owners from being har-  
27 rassed by early morning, nighttime, or continuous noise from  
28 said kennel; and

1 6. The applicant shall not use said kennel for the  
2 general boarding of dogs, other than the applicant's personal  
3 dogs.

4 The Hearings Officer, based on the foregoing Findings  
5 of Fact, accordingly orders as follows:

6 That real property described as the  
7 "parcel of land approximately 6 acres in  
8 size, generally located on the south side  
9 of Highway 140, approximately 850 feet  
10 east of Orindale Road and more particularly  
described as Tax Lot 601, N $\frac{1}{2}$  of NE $\frac{1}{4}$ , Section  
1, Township 39S, Range 8EWM, Klamath County,  
Oregon"  
11 is hereby granted a Conditional Use Permit in accordance with  
12 the terms of the Klamath County Zoning Ordinance No. 17 and  
13 henceforth will be allowed the placement of a kennel on the  
14 subject property in accordance with the conditions as set forth  
15 in this Order.

16 Entered at Klamath Falls, Oregon, this 9<sup>th</sup> day  
17 of NOVEMBER, 1978.

18  
19 KLAMATH COUNTY HEARINGS DIVISION  
20 By Bo Spinder  
21 Hearings Officer

22  
23 STATE OF OREGON; COUNTY OF KLAMATH; ss.  
24 filed for record at request of Klamath County  
25 the 15th day of November A. D. 1978 at 9:00 o'clock A.M., and  
26 duly recorded in Vol. 478, of Deeds on Page 25691

27  
28 Commissioners Journal Wm D. MILNE, County Clerk  
By Donna Shetch  
No Fee \$  
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