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BEFORE THE HEARINGS OFFICER

KLAMATH COUNTY, OREGON

Vol. M85 Page 14161

1 In the Matter of Request for)
 2 Conditional Use Permit No. 29-85)
 3 for Steven Barrows and James)
 4 Pickering, Applicants)

Klamath County Planning

Findings of Fact and Order

5 A hearing was held on this matter on August 15, 1985, pur-
 6 suant to notice given in conformity with Ordinance No. 45.2,
 7 Klamath County, before the Klamath County Hearings Officer, Jim
 8 Spindor. The applicant was present. The County Planning Depart-
 9 ment was represented by Claudia Stine. The Hearings Reporter was
 10 Karen Burg.

11 Evidence was presented on behalf of the Department and on
 12 behalf of the applicant. There was one adjacent property owner
 13 represented by an attorney in opposition to this matter.

14 The following exhibits were offered, received, and made a
 15 part of the record:

16 Klamath County Exhibit A, Staff Report

17 Klamath County Exhibit B, Plot Plan

18 Klamath County Exhibit C, Letter from Applicant

19 Klamath County Exhibit D, Assessor's Map

20 Klamath County Exhibit E, Letter from County Health Dept.

21 Klamath County Exhibit F, Photos

22 Klamath County Exhibit G, Letter from Mr./Mrs. Alston

23 The hearing was then closed, and based upon the evidence sub-
 24 mitted at the hearing, the Hearings Officer made the following
 25 Conclusions of Law:

CONCLUSIONS OF LAW:

26 1. The proposed use is conditionally permitted in the zone
 27 within which it is proposed to be located.

28 2. The location, size, design and operating characteristics

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1 of the proposed use are in conformance with the Klamath County
2 Comprehensive Plan.

3 3. The location, size, design and operating characteristics
4 of the proposed development will be compatible with and will not
5 have significant adverse affects on the appropriate development
6 and use of abutting property owners and the surrounding neighbor-
7 hood so long as the conditions set forth hereinbelow are followed.

8 4. The granting of this Conditional Use Permit is consistent
9 with the goals of the L.C.D.C.

10 5. The granting of this Conditional Use Permit is condi-
11 tioned as follows:

12 a. Prior to any dogs being boarded or trained on the
13 property, proper fencing shall be constructed to prevent
14 dogs from going onto adjoining property; the Klamath
15 County Planning Department shall approve said fencing.

16 b. The kennel shall be insulated and the business
17 shall be operated so that there shall be no unreasonable
18 noise as concerns the adjoining neighbors.

19 c. The driveway shall be such that it is a turnaround,
20 so cars will not have to back onto Highway 66.

21 d. The kennel shall be placed on the back portion of
22 the lot.

23 e. Prior to the operation of the business, the applicant
24 shall obtain approval for the sewage disposal system.

25 f. The business shall be operated so that there
26 shall be no unreasonable smells as concerns the adjoining
27 neighbors.

28 g. Dogs shall be kept inside of the kennel except for

1 arrival, departure and training sessions; only one dog
2 shall be trained at a time.

3 FINDINGS OF FACT:

4 The requested use has been granted based on the following
5 findings of fact:

6 1. This application is to allow a commercial dog kennel in
7 an R-5 zone. The proposed kennel would be located on the back
8 half of this five acre parcel approximately 600 feet from High-
9 way 66. There is an existing house, garage, woodshed, greenhouse,
10 barn and pad for mobile home located on the front of the property.
11 There are neighbors on both sides of this parcel; however, much
12 like this parcel, development is all in the front half of the
13 lot leaving the back portion for pasture. Thus, noise problems
14 should be minimal. However, fencing would be appropriate to mit-
15 igate any problems between dogs and any neighboring livestock.

16 2. There has been a major partition on this parcel in June
17 of 1983, this being No. 34-83.

18 3. Notice of this hearing was sent to surrounding property
19 owners, to concerned public agencies, and published in the Herald
20 & News, the Klamath Falls newspaper.

21 4. The land to the south of this parcel is zoned EFU-CG.
22 Dogs and cattle have a history of not being compatible. Proper
23 fencing should be in place to mitigate any possible conflicts.

24 5. Noise from the dogs would be a concern. However, as
25 stated in Exhibit "C", the letter from Mr. Pickering, each of the
26 20 spaces for dogs will be insulated to help mitigate any noise
27 problems.

28 6. The affected property owners on Highway 66, the

1 Greensprings Highway to the north. This is a busy, narrow road,
2 but this proposed use would not create a significant amount of
3 additional traffic.

4 7. As pointed out in Exhibit "E" prior to the operation of
5 a sewage disposal system the applicant will have to obtain the
6 approval of the Klamath County Health Department.

7 8. The following objections were raised by neighbors:

8 a. Dogs are not compatible with the neighboring uses,
9 especially with regard to livestock.

10 b. Possible bad smells.

11 c. That the neighborhood uses are not business uses
12 and that allowing a business will not be compatible with
13 the residential and farming uses.

14 d. Possible unreasonable noise.

15 e. Possible sewage problems.

16 9. The Hearings Officer visited the property in question
17 and a second hearing was had thereafter; it appears to the
18 Hearings Officer that the above mentioned objections will be met
19 by the conditions set forth hereinabove.

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

22 That real property described as

23 " Being generally located 1.4 miles west of Round Lake Road
24 on the Klamath Falls-Greensprings Highway 66, and more
25 particularly described as Tax Lot 2800 located in the NW¼ of
Section 33, Township 39, Range 9, Klamath County, Oregon,"

26 is hereby conditionally granted a Conditional Use Permit in ac-
27 cordance with the terms of the Klamath County Zoning

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1 Ordinance No. 45.2, and, henceforth, will be allowed to establish
 2 a commercial dog kennel in the R-5 zone.

3 Entered at Klamath Falls, Oregon, this 5th Day of
 4 September, 1985.

KLAMATH COUNTY HEARINGS DIVISION

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 6 Jim Spindor
 7 Jim Spindor, Hearings Officer
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21 STATE OF OREGON: COUNTY OF KLAMATH: ss.

22 Filed for record at request of _____ the 5th day
 of 23 September A.D., 19 85 at 12:46 o'clock P M., and duly recorded in Vol. M85,
 of Deeds on Page 14161.

By Evelyn Biehn, County Clerk
Pam Smith

24 FEE

NONE

25 Ret: Commissioner's Journal