

BEFORE THE HEARINGS OFFICER OF KLAMATH COUNTY, OREGON

In the Matter of the Request)
for a Conditional Use Permit)
for ANNETTA CROCKETT.)

C.U.P. 5-89
FINDINGS OF FACT, CONCLUSIONS
OF LAW AND ORDER

This matter came before Hearings Officer William M. Ganong on March 16, 1989 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. The applicant was present at the hearing. The Planning Department was represented by J. 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:

1. The Applicant applied for a Conditional Use Permit to construct and operate a dog kennel near her residence at the corner of Tucker's Crossing and Whispering Pines Drive, Keno, Oregon. Said property is more particularly described as Klamath County tax described as Klamath County tax lot 4008-0700-2000.
2. The Applicant and her husband raise Siberian Huskies for dog sled racing and recreation. The Applicant desires a permit allowing up to ten dogs.
3. The Applicant describes the dogs as being gentle, not aggressive. She testified that her dogs will bark at other dogs

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and that they have howled in reply to coyotes. Her dogs ignore the deer that frequent the area.

4. The nearest neighboring house is about 500 feet from the proposed kennel and is not visible from the site. The site plan provides for the construction of the outdoor kennel in the area between the two wings of the house and the pole barn. As proposed the kennel would be exposed only to the south.

5. Several adjoining and nearby property owners express several concerns about the proposed kennel. They are concerned that it will produce objectional odors, that the dogs will bother the deer which frequent the area and that if the dogs bark they will destroy the serenity of the area. The Applicant and several neighbors testified that there are dogs in the area that are permitted to run at large.

6. The Applicant testified that the kennels will have concrete floors and that they will be cleaned daily. She testified that the dogs will not be permitted to run at large and they will be controlled. She agreed that they may bark from time to time, however, she will take action to correct any problem noise.

KLAMATH COUNTY LAND DEVELOPMENT CODE CRITERIA

Klamath County Land Development Code Section 44.003 sets forth the criteria for granting a Conditional Use Permit.

KLAMATH COUNTY CODE FINDINGS OF FACT AND CONCLUSIONS

1. LDC §51.003(C) (13) allows a kennel in the R-5 zone with a conditional use permit.

2. The location size, design and operating characteristics are in conformance with the Klamath County Comprehensive Plan.

3. If the Applicant constructs and operates the kennel in the manner she described and if she complies with the conditions provided below, the location, size, design and operating characteristics of the proposed kennel will be compatible with and will not have a significant adverse effect on the appropriate development and use of abutting properties and the surrounding neighborhood.

ORDER

The subject application for a Conditional Use Permit to construct and operate a kennel on the land described above, subject to the conditions set forth hereafter, is granted. The following conditions apply to this permit:

1. This permit is granted to the Applicant and shall expire at such time as the applicant no longer resides on the subject property;

2. This permit is for a noncommercial kennel. The kennel shall not be used to board dogs that are not owned by the Applicant except as necessary for breeding dogs owned by the applicant;

3. The kennel shall not house more than 10 dogs at any time. A puppy is not considered a dog until it is four months old;

4. The dogs shall not be allowed to wander uncontrolled from Applicant's land;

5. The dogs shall not be allowed to harass or chase deer or other wildlife;

6. The kennels shall be constructed and maintained as described by the applicant;
7. The Applicant shall exercise care to prevent odors or noise from becoming a nuisance to adjoining land owners; and
8. The Applicant shall comply with all State and County laws, ordinances, codes, regulations and rules.

DATED this 9th day of April, 1989.

William M. Ganong
William M. Ganong
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
of April A.D., 19 89 at 4:06 o'clock P.M., and duly recorded in Vol. M89
of Deeds on Page 6157, the 11th day

FEE none

Return: Commissioners Journal

Evelyn Biehn County Clerk
By Pauline M. Nielsen