

BEFORE THE HEARINGS OFFICER OF KLAMATH COUNTY, OREGON

In the matter of the request for a)
Conditional Use Permit for)
TOM YON and SUE YON,) CONDITIONAL USE
PERMIT NO. 65-92
_____)

This matter came before Michael L. Brant, Hearings Officer for Klamath County, Oregon, on October 2, 1992 in the County Commissioners' Meeting Room in Klamath Falls, Oregon. The hearing was held pursuant to notice given in conformity with the Klamath County Land Development Code and related statutes and ordinances. Tom Yon and Sue Yon, applicants in the above-referenced permit, and their representative, Terry Yon, were present. The Klamath County Planning Department was represented by Mr. Kim Lundahl, the recording secretary was Karen Burg.

The report prepared by staff was read and the contents thereof were received in evidence; Exhibit "A" (staff report); Exhibit "B" (tax assessor's plat map); Exhibit "C" (site plan); Exhibit "D" (letter from Willard L. Poulson); Exhibit "E" (letter from Mrs. L. R. Hetrick); Exhibit "F" (letter from Sue M. Walker); Exhibit "G" (letter from Ellen Jackson); Exhibit "H" (letter from Cheryl Krusmark); Exhibit "I" (photographs); Exhibit "J" (letter from Klamath Humane Society); Exhibit "K" (letter from Rob Fryling Construction); Exhibit "L" (letter from Charles M. LaBuwi,

M.D.); and Exhibit "M" (letter from John and Marsha L. Baisch), were received. The testimony of Terry Yon, Tom Yon and Bernice Trainer was received in favor of the permit. Testimony was received from Bruce Angrimson, Dog Control Officer for Klamath County, and from Eddie Johnson, representative of the Klamath Humane Society. Testimony in opposition to the permit was received from Ellen J. Jackson, Ms. L. R. Hetrick and Willard L. Poulson.

Based upon the evaluation of the testimony and consideration of the evidence received the hearings officer makes the following findings of fact and conclusions of law and makes the following decision:

FINDINGS OF FACT

1. The applicants are requesting a conditional use permit to construct a dog kennel on property situated at 5419 Avalon Street, Klamath Falls, Oregon 97603, the legal description of which is as follows:

Lots 20 and 21, ALTAMONT SMALL FARMS, located in a portion of Section 15, Township 39 South, Range 9 East of the Willamette Meridian, Tax Lot 1600. The subject property contains 148,540 square feet and is situated on the east side of Avalon Street, north of the Southside Bypass. The subject property is situated in the RS Zone (suburban residential) and is served by an independent well, independent septic tank, Pacific Power and Light and Fire District No. 1.

2. The applicants have been raising puppies commercially for approximately two years.

3. Tom Yon testified that the proposed kennel will be

constructed by a licensed, commercial contractor.

Construction will conform to all applicable building codes and will contain six-inch, insulated, sound proof walls.

4. Authority for the proposed Conditional Use Permit is found in Section 51.530 (I) and review in accordance with Article 44.

5. The applicants' requested Conditional Use Permit is conditionally permitted in this zone.

6. The location, size, design, and operating characteristics of the proposed use are in conformance with the Klamath County Comprehensive Plan and will not have a significant adverse impact on the liveability, value or appropriate development of abutting properties and the surrounding area because the applicants will construct and operate a facility designed specifically for the proposed use and mitigation of the conditions described by opponents to the granting of the Conditional Use Permit.

ORDER

Based upon the findings and conclusions herein the Conditional Use Permit is granted upon the following conditions:

1. Construction of the kennel shall comply with all of the applicable building codes and conform to the representations made by the applicants with regard to insulation and soundproofing; and

2. Location of the kennel shall conform to all setback requirements; and

3. Maintenance and operation of the commercial kennel shall comply with all applicable federal, state and local laws, rules and regulations, including but not limited to laws related to public health.

DATED THIS 8th day of October, 1992.

Michael L. Brant
Michael L. Brant
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 the 12th day
of Oct. 19 92 at 2:30 o'clock P M., and duly recorded in Vol. M92
of Deeds on Page 23832.

Evelyn Biehn - County Clerk
By Pauline Muelendore

FEE none

Return: Commissioners Journal