

## BEFORE THE HEARINGS OFFICER OF KLAMATH COUNTY, OREGON

In the matter of the request for )  
a conditional use permit by ) Conditional Use Permit  
PEUGH ) Case No. CUP 70-96  
)  
)  
)  
)

This matter came before Michael L. Brant, Hearings Officer for KLAMATH County, Oregon, on January 17, 1997, in the KLAMATH County Museum 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. The KLAMATH County Planning Department was represented by Mr. Kim Lundahl and the recording secretary was Assistant Planner Karen Burg. The KLAMATH County Planning Department file and all the exhibits and other contents therein is incorporated by this reference into this matter. The KLAMATH County Planning Department staff report was received. Based upon the evaluation of the staff report and consideration of the evidence received, the hearings officer makes the following findings of fact and conclusions and makes the following decision. Mr. Peugh, the applicant, testified. Mr. Bicknell, the complainant also testified.

## FINDINGS OF FACT

The applicant was granted a conditional use permit to maintain a kennel to accommodate seven (7) dogs which were represented to be family pets belonging to the Peugh children. Subsequent to the granting of the CUP Mrs. Peugh made statements which caused the Planning Department to investigate the quantity of dogs being kept by the applicants. Mr. Peugh admitted that he had maintained nine

dogs for a short period of time while the extra dogs were ill. Mr. Bicknell testified that the dogs are very aggressive, noisy and caused the Bicknells to fear for their own safety. Mr. Bicknell introduced an audio tape which he played containing sounds of dogs barking and snarling.

#### CONCLUSION

It became apparent that the Applicants have been shuffling dogs to avoid detection that they were keeping more dogs than their permit allowed. The Applicants have been and are in violation.

#### ORDER

It is hereby ordered that conditional use permit 70-96 is hereby revoked. The applicants shall remove all but for (4) dogs from their premises by February 5, 1997.

Dated this 28th day of January 1997 .

*Michael L. Brant*

Michael L. Brant  
Hearings Officer

KLAMATH COUNTY LAND DEVELOPMENT CODE SECTION 24.060 PROVIDES:

"An Order of the Hearings Officer may be appealed to the Board of County Commissioners within seven (7) days of its mailing as set forth in Article 33."

STATE OF OREGON : COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County the 30th day  
of January A.D., 19 97 at 11:41 o'clock A. M., and duly recorded in Vol. M97  
of Deeds on Page 2796.

FEE No Fee: Return: Commissioners Journal

by Bernetha G. Letsch, County Clerk  
*Kathleen Ross*