

BEFORE THE HEARINGS OFFICER KLAMATH COUNTY, OREGON

In the Matter of the Request for a
Conditional Use Permit by

CUP 53-97

ORDER

JAMES O'KEEFFE and MARY O'KEEFFE,

Applicants.

1. NATURE OF THE REQUEST:

The applicants wish to establish a bed and breakfast facility on approximately 2.19 acres zoned EFU-CG. The request was heard by the Hearings Officer on July 11, 1997, pursuant to Ordinances 44 and 45. The request was reviewed for conformity with Land Development Code Articles 54, 44.303 and ORS 215.243.

2. NAMES OF THOSE WHO PARTICIPATED:

The Hearings Officer in review of this application was Neal G. Buchanan. The applicants appeared and offered testimony in support of the application. The Planning Department was represented by Kim Lundahl, and the recording secretary was Karen Eurg.

3. PROPERTY LOCATION:

The property under consideration is generally located south of East Langell Valley Road, approximately 1/4 mile east of Bonanza.

4. RELEVANT FACTS:

The property has an implementing zone of EFU-CG. The parcel is approximately 2.19 acres in size. The planned facility is to basically utilize the existing house and outbuildings on the property.

5. EVIDENCE RECEIVED:

Received were the Staff Report and Application with attachments.

6. FINDINGS:

The Hearings Officer finds this application:

1. Is compatible with farm use because the use is compatible with the predominant adjacent land uses, and the existing residential density of the area will not be markedly increased.

2. Does not interfere seriously with accepted farming practices on adjacent lands devoted to farm use. The applicant has proposed as a condition of this approval to file a restrictive covenant which will prohibit the applicant and successors in interest from filing complaints regarding valid farming practices on nearby lands. The Hearings Officer finds that this will mitigate impact on farm operations.

3. Does not alter the stability of the overall land use pattern of the area. The land use pattern of the area will not be modified as the residential intensity will only be marginally increased.

4. Access to the parcel is from East Langell Valley Road. Use of East Langell Valley Road will not interfere with farm practices.

7. ORDER:

Therefore, it is ordered that the request of James O'Keeffe and Mary O'Keeffe for CUP 53-97 is approved, subject to the following conditions:

1. The applicants shall file a restrictive covenant with the County Clerk prohibiting the applicants and their successors in interest from filing complaints concerning accepted resource management practices that may occur on nearby lands.

2. Any development of the bed and breakfast operation shall be in conformity with Article 85.050, or such Article as subsequently replaces 85.050. A copy of the present article 85.050 is attached hereto, marked Exhibit A.

3. This CUP will expire two years from the date below unless a development permit is obtained or an extension is approved by the Planning Director.

DATED this 14th day of JULY 1997


NEAL C. BUCHANAN

Deputy Hearings Officer

NOTICE OF APPEAL RIGHTS

You are hereby notified this application may be appealed to the Klamath County Board of Commissioners by filing with the Klamath County Planning Department a Notice of Appeal as set out in Section 33.004 of the Klamath County Land Development Code, together with the fee required within SEVEN DAYS following the mailing date of this order.

85.050 - BED AND BREAKFAST STANDARDS

Bed and Breakfast operations may be allowed subject to a conditional use permit (Article 44) if the following criteria are satisfied in addition to those of Section 44.030:

- A. Minimal outward modification of the structure or grounds may be made only if such changes are compatible with the character of the area or neighborhood and the intent of the zoning district in which it is located.
- B. One off-street parking space shall be provided for each guest room. The front yard shall not be used for off-street parking for guests unless the parking area is screened and landscaped pursuant to Articles 64 and 65.
- C. Those facilities providing service to more than 6 guests are not considered "license exempt" under state law and must comply with state hotel/motel restaurant licensing procedures administered by the Health Department. The issuance of such licenses shall not be considered as conferring nonconforming status to the use which would either allow alteration of the facility or otherwise compel rezoning of the property for commercial use.
- D. 1 on-premise sign may be approved provided that such sign is not more than 6 square feet in size.
- E. Room rentals to guests shall not exceed 14 consecutive days.
- F. The bed and breakfast facility must be accessory to and contained within the single-family dwelling occupied by the owner (not a manager) or within accessory dwelling units or structures which lawfully exists.
- G. The bed and breakfast facility shall not begin operation until the Health Department has inspected and approved the facility.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County the 15th day of July A.D. 19 97 at 9:18 o'clock A. M., and duly recorded in Vol. M97 of Deeds on Page 22026

Return: Commissioners Journal

Bernetha G. Letech, County Clerk

FEE

No Fee

By Koodlin Ross