

BEFORE THE PLANNING COMMISSION AND BOARD OF COMMISSIONERS
KLAMATH COUNTY, OREGON

1 IN THE MATTER OF REQUEST FOR)
2 CHANGE OF COMPREHENSIVE LAND USE)
3 PLAN AND ZONE CHANGE 5-88 FOR)
4 RICHARD BELCHER)

ORDER NO. 89-165

4 I. NATURE OF APPLICATION

5 A hearing was held on this application on December 19, 1988,
6 being a joint hearing before the Planning Commission and Board of
7 Commissioners.

8 This request for a Change of Land Use Plan from Urban Resi-
9 dential to General Commercial and Zone Change from Medium Density
10 Residential to General Commercial is to allow use of an existing
11 residential building for professional services, an attorney's
12 office.

13 This application was reviewed pursuant to Article 47 and
14 Article 48 of the Land Development Code.

15 II. NAMES OF THOSE INVOLVED

16 Richard Belcher, applicant, was present and testified in
17 support. Testimony was also taken in opposition to the applica-
18 tion. The staff report and exhibits were presented by Carl Shuck,
19 Planning Director, with the recording secretary being Karen Burg.
20 David Mannix, Deputy County Counsel, was also present. Members of
21 the Planning Commission that were present were: Susan Crismon,
22 John Monfore, Fran Gorham, Bob Brackett, Ned Livingston, Doug
23 Everett, John Kite, and Hal Pearce. The Board of Commissioners
24 was present.

25 III. LEGAL DESCRIPTION

26 The property is located in Township 38, Range 9, Section 34,
27 Tax Lot 1300, and is at the corner of Washburn Way and Darrow
28 Avenue.

'89 JAN 19 AM 9 03

1 IV. RELEVANT FACTS

2 1. The file for this Change of Land Use Plan and Zone
3 Change and all contents thereof, Exhibits A-L, and testimony
4 received, are incorporated in this Order as evidence.

5 2. Land use and zone change findings as submitted by appli-
6 cant, titled Comprehensive Plan Map Designation and Zone Change
7 are also incorporated as findings and accepted by the Planning
8 Commission and Board of Commissioners (see attached).

9 3. Ordinance 45.12 which applies a Limited Use Overlay
10 Zone to a land use change was applied to this application allow-
11 ing the permitted use as an attorney's office to be the only use
12 permitted.

13 4. Notice of this action was forwarded to the Department of
14 Land Conservation and Development on October 31, 1988. No
15 response was received from this agency.

16 V. RELEVANT APPROVAL CRITERIA

17 Review criteria relating to this application is set out in
18 Land Development Code Article 47 sub 003 and Article 48 sub 003
19 as follows:

20 A. The proposed change is in conformance with all relevant
21 policies of the Klamath County Comprehensive Plan.

22 B. The proposed change is supported by specific studies or
23 other factual information for that change.

24 C. The change of zone is in conformance with the Comprehen-
25 sive Plan, and all other provisions of the Land Development Code.

26 D. The property affected by the change is adequate in size
27 and shape to facilitate those uses that are normally allowed in
28 conjunction with such zoning.

E. The property affected by the proposed change is properly
related to streets to adequately serve the type of traffic genera-
ted by such uses that may be permitted therein.

1 F. The proposed change will have no adverse effect on the
2 appropriate use and development of abutting properties.

3 VI. FINDINGS

4 The Board of Commissioners and Planning Commission find the
5 evidence submitted and testimony offered demonstrate the approval
6 criteria as set out in Section V, have been satisfied.

7 VII. CONCLUSIONS

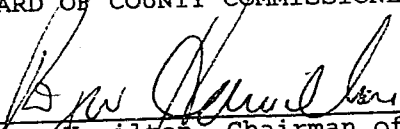
8 This application has satisfied the review criteria in that
9 correct notice was given, all relevant Comprehensive Plan Policies,
10 and review criteria have been complied with.

11 VIII. ORDER

12 Therefore, the Board of Commissioners accepts the recommenda-
13 tion of the Planning Commission and the request for a Change of
14 Land Use Plan from Urban Residential to General Commercial and
15 Zone Change from Medium Density Residential (RM) to General
16 Commercial (CG) for an attorney's office is granted.

17 Dated this 17th Day of January, 1989.

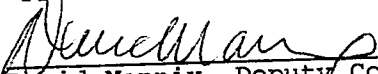
18 BOARD OF COUNTY COMMISSIONERS

19 
20 Roger Hamilton, Chairman of the Board

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22 Ted Lindow, Commissioner

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24
25 Jim Rogers, Commissioner

26 Approved as to Form and Content:

27 
28 David Mannix, Deputy County Counsel

COMPREHENSIVE PLAN MAP DESIGNATION

1. Proposed change is in compliance with the Oregon Planning Goals.
 - A. Relevant Goals.
 1. Citizens Involvement (Goal 1)
 2. Land Use Planning (Goal 2)
 3. Economy of the State (Goal 9)
 - B. Proponents compliance with Goal 1
 1. Proponent applied for the change of comprehensive plan designation on October 26, 1988.
 2. Notice of public hearing was mailed to all surrounding property owners by the Klamath County Planning Department.
 3. Notification was also supplied to the appropriate state agencies by the same department.
 - C. Proponents compliance with Goal 2
 1. Changes in the comprehensive plan map designation are provided for by Goal 2.
 2. Minor changes should be based on information which will serve as the factual basis to support the change.
 3. Proponents request is for a minor change in that there will be no significant effect beyond the immediate area of the change.
 - a. No exterior structural change to the premises
 - b. No appreciable increase in traffic.
 - c. No increase in noise or light emissions from the premises.
 - d. Premises remains residential in character.
 - e. Interior remodeling planned.
 - f. Landscaping of yard is planned.
 - g. Replacement of the existing cyclone fence is planned for the Washburn Way frontage and those portions of the fence on both Pear and Darrow that presently form the front yard. The backyard fencing will be improved with plastic security inserts which are color coordinated with the exterior paint of the premises.
 - h. The present parking area consists of a concrete slab for two automobiles and an asphalt slab for recreational vehicles. This area will be expanded to provide for six client parking spaces and three employee

spaces. Additional parking may be added as necessary.

- i. Hours of operation are from 8 AM until 5 PM, Monday thru Friday. Major holidays are excluded.

D. Proponent's compliance with Goal 9.

- 1. Proponent desires to move his law office from the downtown area in Klamath Falls to the Washburn Way area.
- 2. Proponent's plan calls for remodeling which will provide work for electrical contractors, mechanical contractors, landscape architects, carpenters, masons, iron workers and a host of other craftsmen. Total cost of remodeling will not exceed \$60,000.00.
- 3. Proponent employs 2-4 persons whose annual salaries range from \$12,000.00 to \$18,000.00.
- 4. Proponent's annual contribution to local business in the form of products purchased and services required is approximately \$50,000.00
- 5. Proponent's remodeling will result in an additional tax assessment projected to be approximately \$95,000.00-\$100,000.00. An increase of approximately \$38,000.00-\$43,000.00.
- 6. Part-time employment will also be required for yard maintenance in the summer and sidewalk and parking area maintenance in the winter.
- 7. Presently only one other attorney is located outside of the downtown area of Klamath Falls. There are no attorneys located in the county. Proponent's request will allow county residents ease of access for legal services.

2. Proposed change, is in conformance with all policies of the Klamath County Comprehensive Plan.

- A. Klamath County's Comprehensive Plan allows for minor changes in the Comprehensive Plan and Zoning to occur by specific process.

B. Proponent has satisfied all relevant requirements.

3. Factual information which documents the public need for the change.

- A. No legal services are available outside of the city limits of Klamath Falls in Klamath County.

B. No legal services are available to local resident other

than in the downtown core area of Klamath Falls (exception D.L. Hoots).

- C. Establishment of a law office on the corner of Washburn Way and Darrow Street will be of negligible or low impact to the surrounding area.
- D. Since Washburn Way is a major traffic artery servicing the expanding business district of Klamath Falls no increase in traffic is projected. Office hours are 8 AM to 5 PM with a one hour lunch. Due to the particular nature of my practice no more than eight (8) clients are seen in one business day. The average over the last five (5) years is five (5) per day.
- E. Access to the premises is from Darrow Street. Parking will be off this access. Ten spaces are anticipated with three (3) to four (4) spaces already in existence. There is no anticipated need for additional traffic control measures to be necessary.
- F. Commercial zoning exists now between the intersection of Shasta Way and Washburn Way and Eberlien (Fred Meyer). Commercial zoning also exists on Washburn Way near Vine Street (Nursing home). There are several multi-residential areas and home occupations in existence. Several other businesses have existed in the area in the past (taxidermy and Peace ambulance). These commercial interests are the major contributor to the present traffic patterns.
- G. Proponent lives at 917 Washburn Way. This residence is located within walking distance of the premises under consideration. Proponent also has children who attend Mills School located in the affected area. The establishment of his law practice at 815 Washburn Way would assist the social development of his children.
- H. Proponent's plan will be in conformance to all pertinent local and state requirements.
- I. Proponent would accede to any restriction on future use of the property deemed necessary by the county and state to preserve the residential character of the area. In fact, since proponent lives in close proximity to the property under discussion proponent recommends such restrictions be applied to this property.

ZONE CHANGE

1. Change of zone is in conformance with the Comprehensive Plan.
 - A. The Comprehensive Plan does not restrict this use.
 - B. Proponent's application and submission meet all requirements as presently set forth.
2. The property affected by the change of zone is adequate in size and shape to facilitate those uses that are normally allowed in conjunction with such zoning.
 - A. The residence located on the premises is a three (3) bedroom, one and one-half (1 1/2) bath, two (2) car garage structure. It is approximately 1800 square feet in area. There are two (2) out-buildings for storage and there are several types of trees in the yard. The premises is enclosed by a cyclone fence.
 - B. The structure is situated on four (4) lots. Three of these run latitudinally East and West from Washburn Way and the remaining lot runs longitudinally North and South from Pear Street to Darrow Street. The total area provides ample space for the establishment of a law office and the parking required by local ordinances.
 - C. The premise is presently served with water, sewer, trash, garbage, electricity, gas, telephone and other services normally associated with residences and or commercial activities.
3. The property affected by the proposed change of zone is properly related to streets to adequately serve the type of traffic generated by such uses that may be permitted therein.
 - A. The present access to the premises is off Darrow Street. The proposed access will not differ significantly in that client parking will be in the same location as the present parking. The employee parking will be to the East of the present parking the backyard area. Approximately ten (10) spaces will provide adequate parking for all employees and projected clientele. Past records indicate an average of five (5) clients per eight (8) hours business day

My staff is instructed as a matter of standard operating procedure to schedule no more than one (1) client per hour.

- B. Traffic exiting the premises has the option of entering Washburn Way at Darrow Street or utilizing the residential portions of Alandale and eventually exiting thru the neighborhood adjoining the premises. No significant increase to either route of travel is anticipated during normal business operating hours. No clients remain on the premises after 5 PM as a matter of course.
 - C. Foot traffic in the area will be better served by the construction of sidewalks on the Darrow Street and Washburn Way frontages. No curbs are present on the Pear Street frontage and no sidewalk construction is anticipated at this time. Presently persons walking to the Fred Meyer shopping Center must walk in the street or trespass on the yards of the residents. Sidewalks will add a safety factor to pedestrian traffic in the area.
4. The proposed change of zone will have no adverse effect on the appropriate use and development of abutting properties.
- A. The premises is abutting on three sides by public streets. The only non-public use adjoining the property is the residence of Rick and Martha Christensen at 2635 Darrow Street.
 - B. A cyclone fence presently in existence will be improved by privacy security inserts to shield the commercial use from the residential use.
 - C. The properties within eyesight of the premise will not be affected by the actual use of the property. The exterior view will be improved thereby adding to the aesthetic value of the neighborhood. No business is conducted outside of the building so noise, light and other emissions will not be perceivable as other than those of a normal residence.
 - D. Proponent urges that consideration of a restrictive use be imposed to limit use of the premises to those of a professional office nature.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County the 18th day
of Jan. A.D., 19 89 at 9:03 o'clock A. M., and duly recorded in Vol. M89,
of Deeds on Page 1011.

Evelyn Biehn County Clerk

FEE none

By Pauline Mullendore

Return: Commissioners Journal