



Oregon

Theodore R. Kubongski, Governor

Department of Land Conservation and Development

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Salem, OR 97301-2540

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Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

03/03/2009

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Klamath Falls Plan Amendment
DLCD File Number 005-08

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Monday, March 16, 2009

This amendment was submitted to DLCD for review prior to adoption. Pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

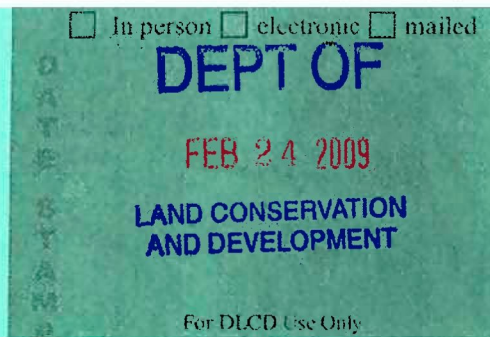
***NOTE:** THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAT IT WAS MAILED TO DLCD. AS A RESULT, YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.

Cc: Kelly ONeill, City of Klamath Falls
Gloria Gardiner, DLCD Urban Planning Specialist
Mark Radabaugh, DLCD Regional Representative

<paa> YA

Notice of Adoption

THIS FORM MUST BE MAILED TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
 PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18



Jurisdiction: **City of Klamath Falls**

Local file number: **1-CDO-08**

Date of Adoption: **2/18/2009**

Date Mailed: **2/23/2009**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: **11/20/2008**

☐ Comprehensive Plan Text Amendment

☐ Comprehensive Plan Map Amendment

☒ Land Use Regulation Amendment

☐ Zoning Map Amendment

☐ New Land Use Regulation

☐ Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

The City is **proposing an** amendment to the Community Development Ordinance Chapter 12 §§ 12.600 to 12.610 (Airport Hazard Zones). The amendment would change the text to include a Noise Overlay and Hazard Zone Overlay that include land use restrictions and/or sound proofing requirements in specified areas around the airport. The proposed amendments are for the protection of public health and safety [see ORS 195.305(3)(b)].

Does the Adoption differ from proposal? Yes, Please explain below:

The adopted version **contains** additional modifications as suggested by the State Department of Aviation, Mead and Hunt Incorporated, and the City of Klamath Falls Planning Commission.

Plan Map Changed from: **N/A**

to: **N/A**

Zone Map Changed from: **N/A**

to: **N/A**

Location: **Affected property within 10,000 feet of the runway**

Acres Involved: **1503**

Specify Density: Previous: **N/A**

New: **N/A**

Applicable statewide planning goals:

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19
☒ ☒ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☒ ☒ ☐ ☐ ☐ ☐ ☐ ☐ ☐

Was an Exception Adopted? ☐ YES ☒ NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

☒ Yes ☐ No

If no, do the statewide planning goals apply?

☐ Yes ☐ No

If no, did Emergency Circumstances require immediate adoption?

☐ Yes ☐ No

DLCD file No. _____

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Local Contact: **Kelly O'Neill**

Phone: (541) 883-5361 Extension: 369

Address: 226 S. 5th Street

Fax Number: 541-883-5390

City: **Klamath Falls**

Zip: **97601**

E-mail Address: **koneill@ci.klamath-falls.or.us**

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. **Send this Form and TWO Complete Copies** (documents and maps) of the Adopted Amendment to:

ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540
2. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: **webserver.lcd.state.or.us**. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing **mara.ulloa@state.or.us**.
3. **Please Note:** Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can now access these forms online at **http://www.lcd.state.or.us/**. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax

AN ORDINANCE AMENDING SECTIONS 12.600 (HAZARD ZONES DEFINED), 12.605 (HEIGHT LIMITATIONS), AND 12.610 (USE RESTRICTIONS) OF THE COMMUNITY DEVELOPMENT ORDINANCE OF THE KLAMATH FALLS CITY CODE, AND ADDING ADDITIONAL CODE PROVISIONS 12.615 TO 12.650 RELATING TO THE AIRPORT SAFETY AND HAZARD PREVENTION OVERLAY ZONE.

WHEREAS, federal laws require local governments to review and assess the compatibility of various land uses with airport-generated noise exposure levels in areas located near "public use" airports; and

WHEREAS, in compliance with the federal requirements, the City Manager directed Planning staff to conduct the required assessments and to prepare and submit appropriate amendments to the current "Airport Hazard Zones" provisions in the Community Development Ordinance ("CDO") (Sections 12.600 through 12.610); and

WHEREAS, Planning staff prepared appropriate amendments and initiated the legislative process for CDO text amendments (§§ 10.105 – 10.125); and

WHEREAS, notice regarding the proposed text changes was provided to the Department of Land Conservation and Development at least 45 days prior to the first scheduled public hearing; and

WHEREAS, the Klamath Falls Planning Commission held a public hearing on January 12, 2009, and recommended approval of the proposed amendments, with modifications; and

WHEREAS, notices of the public hearings were published in the Herald and News at least 10 days prior to the public hearings; and

WHEREAS, the Klamath Falls City Council held a public hearing on February 2, 2009 to consider the proposed amendments as modified by the Planning Commission; and

WHEREAS, the Council hereby adopts the findings set forth in attached Exhibit B, incorporated herein by this reference; based on these findings and the entire record of these legislative proceedings, Council has further determined: 1) that the proposed Community Development Ordinance amendments (attached hereto as Exhibit A) are consistent with the applicable CDO review criteria set forth in Exhibit B; 2) that the amendments are necessary for the protection of public health and safety; 3) that certain aircraft hazards and airport-generated noise may have adverse impacts on some areas and it is therefore necessary to require a Conditional Use Permit and/or additional noise reduction building requirements for some uses;

and 4) that adopting the amendments would be in the best interests of the citizens of the City of Klamath Falls; NOW, THEREFORE,

THE CITY OF KLAMATH FALLS ORDAINS AS FOLLOWS:

Sections 12.600, 12.605 and 12.610 of the Klamath Falls City Code, Community Development Ordinance, are hereby amended to read as set forth in attached Exhibit "A," and Sections 12.615 to 12.650, as set forth in attached Exhibit A, are hereby added to the Klamath Falls Code.

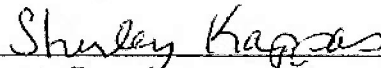
Passed by the Council of the City of Klamath Falls, Oregon, the 17th day of February , 2009.

Presented to the Mayor, approved and signed this 18th day of February, 2009.



Mayor

ATTEST:



Deputy Recorder

STATE OF OREGON }
COUNTY OF KLAMATH } ss.
CITY OF KLAMATH FALLS }

I, Shirley Kappas, ~~Recorder~~ (Deputy Recorder) for the City of Klamath Falls, Oregon, do hereby certify that the foregoing is a true and correct copy of an Ordinance duly adopted by the Council of the City of Klamath Falls, Oregon at the meeting on the 17th day of February, 2009 and therefore approved and signed by the Mayor and attested by the Deputy Recorder.

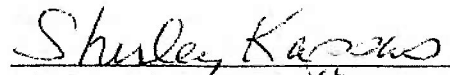

City Recorder (Deputy Recorder)

EXHIBIT "A"

Language proposed for addition, including recommendations from Planning Commission are *italic* font.
Language proposed for deletion, including recommendations from Planning Commission are ~~strikethrough~~

~~AIRPORT HAZARD ZONES~~ *AIRPORT SAFETY and HAZARD PREVENTION OVERLAY ZONE*

12.600 Purpose. *The Airport Safety and Hazard Prevention Overlay (ASHPO) zone is an overlay zone supplementing the provisions of the underlying zone. The ASHPO zone includes the Airport Noise Impact Boundary, the Hazard Zones, the Airport Imaginary Surfaces, and the Airport. The purpose of the ASHPO is to establish safety standards to promote air navigational safety and reduce potential safety hazards for persons living, working or recreating near the Klamath Falls Airport, thereby encouraging and supporting its continued operation and vitality.*

12.605 Applicability. *The location and dimensions of the runways, imaginary surfaces, airport noise contour boundaries as defined and described in this Section, are delineated in the Klamath Falls Airport Master Plan.*

12.610 Definitions. *The following words and phrases, unless the context otherwise requires, shall mean:*

- (1) **Airport** (also referred to as the Klamath Falls Airport or Kingsley Field): Those properties lying generally south of South Side Bypass, north of Lost River Diversion Channel, east of Spring Lake Road, and west of Homedale Road, which are owned and administered by the City of Klamath Falls for commercial, general, and military aviation purposes including taking off and landing aircraft. Refer to the Klamath Falls Airport Master Plan, Plan Drawings, for more information.*
- (2) **Air National Guard (ANG):** The Air National Guard is a reserve component of the United States Air Force, organized by each of the several states and territories of the United States. The 173d Fighter Wing is an ANG unit located at the Klamath Falls Airport/Kingsley Field. The 173d Fighter Wing provides training for new pilots and basic flight instruction on the F-15C.*
- (3) **Airport Elevation:** The highest point of an airport's usable runway, measured in feet above mean sea level.*
- (4) **Airport Imaginary Surfaces:** Imaginary areas in space and on the ground that are established in relation to the airport and its runways as defined by the FAR Part 77. Imaginary surfaces are defined by the primary surface, runway protection zone, approach surface, horizontal surface, conical surface, and transitional surface.*

- (5) **Airport Noise Impact Boundary:** Areas located within established noise contour boundaries equal to or exceeding 65-dB DNL.
1. **Zone I:** 65 db DNL through 69.99 db DNL
 2. **Zone II:** 70 db DNL through 74.99 db DNL
 3. **Zone III:** 75 db DNL and above
- (6) **A-weighted:** A system utilizing a filter to de-emphasize the very low and very high frequency components of sound in a manner similar to the frequency response of the human ear.
- (7) **Day-Night Average Sound Level (Ldn or DNL):** A noise metric that averages A-weighted sound levels over a 24-hour period, with an additional 10-dB penalty added to noise events occurring between 10:00 PM and 7:00 AM.
- (8) **dB (Decibels):** A unit of measure based on a logarithmic scale. A 10-dB increase in noise level corresponds to a 100-percent increase (doubling) in perceived loudness.
- (9) **F-15C:** An all-weather tactical fighter aircraft designed to gain and maintain air superiority in aerial combat. This aircraft is used by the 173d Fighter Wing for training at the Klamath Falls Airport/Kingsley Field.
- (10) **FAA:** The Federal Aviation Administration.
- (11) **Federal Aviation Regulation (FAR) Part 77:** This regulation, titled "Objects Affecting Navigable Airspace," establishes standards for determining obstructions and their potential effects on aircraft operations. Objects are considered to be obstructions to air navigation according to FAR Part 77 if they exceed certain heights or penetrate certain imaginary surfaces established in relation to airport operations. Objects classified as obstructions are subject to an FAA aeronautical analysis to determine their potential effects on aircraft operations.
- (12) ~~12.600 Hazard Zones: There are hereby created and established certain hazard zones which include all of the~~ Land lying within the approach zones, transitional zones, horizontal zones, and conical zones as they apply to the City of Klamath Falls Airport/Kingsley Field. Such zones are shown ~~in this section of the Community Development Ordinance and in the most recent Klamath Falls Airport (Kingsley Field) Master Plan adopted by the City Council of Klamath Falls, Oregon, on April 7, 1988 and revised April 1993, which is made a part hereof.~~ An area located in more than one of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:
- [Amended by Ordinance 00-09, enacted May 1, 2000]
- a. **Runway Protection Zone (RPZ):** An area off the runway end to enhance the protection of people and property on the ground. See the most current Klamath Falls Airport Master Plan for specific runway classifications.

- b. **Precision Instrument Runway Approach-Zone.** The inner edge of this approach zone coincides with the width of the primary surface ~~at the end of Runway 32~~ and is 1,000 feet wide. The approach zone expands outward, uniformly to a width of 10,000 feet at a horizontal distance of 50,000 feet from the primary surface, its centerline being the continuation of the centerline of the runway. *This approach surface slopes upward 50 feet horizontally for each foot vertically beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline; thence slopes upward 40 feet horizontally for each foot vertically to an additional horizontal distance of 40,000 feet along the extended runway centerline. See the most current Klamath Falls Airport Master Plan for specific runway classifications.*
- c. **Nonprecision Instrument Runway Approach-Zone.** The inner edge of this approach zone coincides with the width of the primary surface ~~at the end of Runway 14~~ and is 1,000 feet wide. The approach zone expands outward uniformly to a width of 3,500 feet at a horizontal distance of 10,000 feet from the primary surface; its centerline being the continuation of the centerline of the runway. *This approach surface slopes upward 34 feet horizontally for each foot vertically beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline. See the most current Klamath Falls Airport Master Plan for specific runway classifications.*
[Amended by Ordinance 00-09, enacted May 1, 2000]
- d. **Utility Runway with Visual Approach Zone for Runway 7-25.** The inner edge of this approach zone coincides with the width of the primary surface ~~at the ends of Runway 7-25~~ and is 500 feet wide. The approach zone expands outward uniformly to a width of 1,500 feet at a horizontal distance of 5,000 feet from the primary surface, its centerline being the continuation of the centerline of the runway. *This approach surface slopes upward 20 feet horizontally for each foot vertically. See the most current Klamath Falls Airport Master Plan for specific runway classifications.*
[Amended by Ordinance 00-09, enacted May 1, 2000]
- e. **Primary Surface:** A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond the end of that runway, but when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at the end of the runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The width of the primary surface of a runway will be that width prescribed in this section for the most precise approach existing or planned for either end of the runway. The width for the primary surface is:
1. 250 feet for utility runways having only visual approaches.
 2. 500 feet for utility runways having non-precision approaches.
 3. 500 feet for visual runways having only visual approaches.

4. 500 feet for non-precision instrument runways having visibility minimums greater than three-fourths statute mile.
5. 1,000 feet for non-precision instrument runway having a non-precision instrument approach with visibility minimum as low as three-fourths of a statute mile, and for precision instrument runways.

f. **Transitional Zones Surface.** ~~These zones are hereby established as the area beneath the transitional surfaces. These~~ Those surfaces that extend outward and upward at 90 degree angles to the runway centerline and the runway centerline extended at a slope of seven feet horizontally for each foot vertically from the sides of the primary and approach surfaces to ~~where they intersect the point of intersection with the horizontal and conical surfaces.~~ Transitional surfaces zones for those portions of the precision approach surfaces zones which project through and beyond the limits of the conical surface extend a distance of 5,000 feet measured horizontally from the edge of the approach zones surface and at 90 degree angles to the extended runway centerline.

~~h.~~ **Horizontal Zone Surface.** ~~The horizontal zone is hereby established by swinging arcs of 10,000 feet radii from the center of each end of the primary surface of Runway 14 32 and connecting the arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones. A horizontal plane 150 feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of specified radii from the center of each end of the primary surface of each runway of each airport and connecting the adjacent arcs by lines tangent to those arcs. For a precision runway the horizontal surface is established by a 10,000 foot arc. For any other runway classification the horizontal surface is established by a 5,000 foot arc.~~

g. **Conical Zone Surface.** ~~The conical zone is hereby established as the area that commences at the periphery of the horizontal zone and extends outward there from a horizontal distance of 4,000 feet. The Conical zone does not include the Precision Instrument Approach Zone or the Transitional Zones. A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.~~

(13) **Height:** The highest point of a structure or tree, plant or other object of natural growth or ground, measured from mean sea level.

(14) **Noise Level Reduction (NLR):** Building location and design measures that reduce noise at a site to help mitigate noise exposure.

(15) **Obstruction:** Any structure or tree, plant or other object of natural growth that penetrates an imaginary surface. An obstruction can also mean anything that is

determined to interfere with the established traffic pattern, even if that object or device does not penetrate an imaginary surface.

*(16) **Public Assembly Facility:** A permanent or temporary structure or facility, place or activity where concentrations of people gather in reasonably close quarters for purposes such as deliberation, education, worship, shopping, employment, entertainment, recreation, sporting events, or similar activities. Public assembly facilities include, but are not limited to, schools, churches, conference or convention facilities, employment and shopping centers, arenas, athletic fields, stadiums, clubhouses, museums, and similar facilities and places, but do not include parks, golf courses or similar facilities unless used in a manner where people are concentrated in reasonably close quarters. Public assembly facilities also do not include air shows, structures or uses approved by the FAA in an adopted airport master plan, or places where people congregate for short periods of time such as parking lots or bus stops.*

*(17) **Runway:** A defined area on an airport prepared for landing and takeoff of aircraft along its length.*

*(18) **Water Impoundment:** Includes wastewater treatment settling ponds, surface mining ponds, detention and retention ponds, artificial lakes and ponds, and similar water features. A new water impoundment includes an expansion of an existing water impoundment except where such expansion was previously authorized by land use action approved prior to the effective date of this ordinance.*

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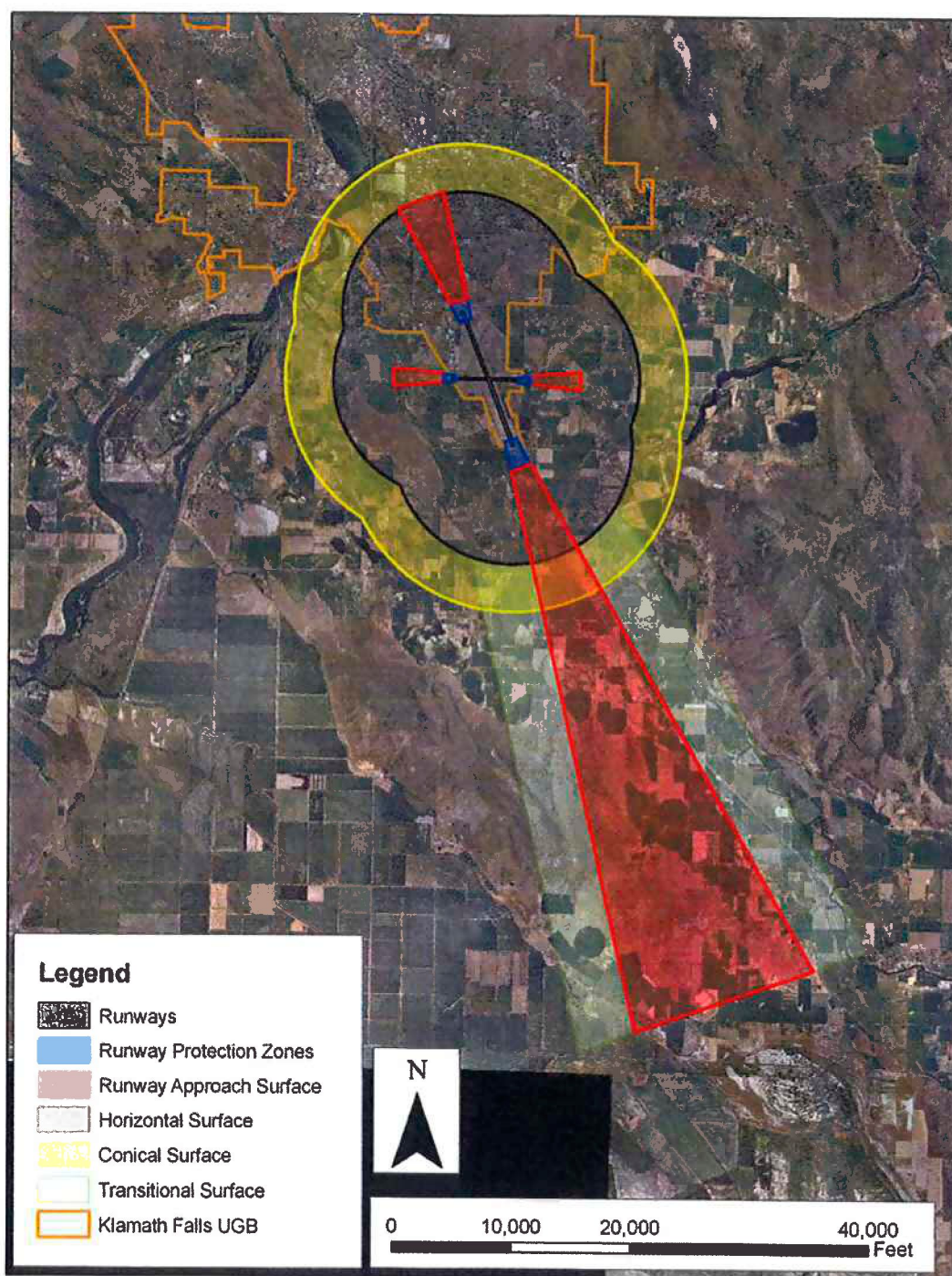
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The following airport hazard zone map identifies the five different imaginary surfaces as established in the definitions section.



~~12.615 12.605 Height Limitations~~ *Limitations and Restrictions on Allowed Uses.* Notwithstanding the provisions of Section 12.920, no structures or trees shall be erected, altered, allowed to grow or be maintained in any Airport Hazard Zone (*Imaginary Surface*) to a height in excess of the applicable height limit ~~herein~~ for such zone ~~or surface established in Section 12.610 and/or in the most current Klamath Falls Airport Master Plan.~~ *for such zone. Where an area is covered by more than one (1) height limitation, the more restrictive limitation shall prevail. Such applicable height limitations are hereby established for each of the zones as follows:*

The following notes provide requirements for determining land use restrictions in the limitations and restrictions table on the following page.

Notes:

¹ No structures shall be allowed within the Runway Protection Zone (RPZ). Exceptions shall be made only for structures accessory to airport operations whose location within the RPZ has been approved by the Federal Aviation Administration.

² In the RPZ, public airport uses are restricted to those uses and facilities that require location in the RPZ.

³ Farming practices that minimize wildlife attractants are encouraged.

⁴ Roads and parking areas are permitted in the RPZ only upon demonstration that there are not practicable alternatives. Light, guardrails, and related accessory structures are prohibited. Cost may be considered in determining whether practicable alternatives exist.

⁵ In the RPZ, utilities, power lines and pipelines must be underground. In approach surfaces and in airport direct and secondary impact areas, the proposed height of utilities shall be coordinated with the airport sponsor and Department of Aviation (ODA).

⁶ Public assembly facilities are prohibited in the RPZ.

⁷ Golf courses may be permitted only upon demonstration, supported by substantial evidence, that management techniques will be utilized to reduce existing wildlife attractants and avoid the recreation of new wildlife attractant. Such techniques shall be required as conditions of approval. Structures are not permitted within the RPZ. For purposes of this document, tee markers, tee signs, pin cups and pins are not considered to be structures.

⁸ Within 10,000 feet from the end of the primary surface of a non-precision instrument runway, and within 50,000 feet from the end of the primary surface of a precision instrument runway.

⁹ Public assembly facilities within approach surfaces are permitted when more than 3,000 feet from the outer edge of the RPZ. Public assembly facilities within approach surfaces may be allowed within 3,000 feet of the outer edge of the RPZ only if the potential danger to public safety is minimal. In determining whether a proposed use is appropriate, consideration shall be given to: proximity to the RPZ; density of people per acre; frequency of use; level of activity at the airport; and other factors relevant to public safety. In general, high density uses should be located outside approach surfaces unless no practicable alternatives exist.

¹⁰ Residential densities within approach surfaces should not exceed the following densities: (1) within 500 feet of the outer edge of the RPZ, 1 unit per acre; (2) within 500 to 1,500 feet of the outer edge of the RPZ, 2 units per acre; (3) within 1,500 to 3,000 feet of the outer edge of the RPZ, 4 units per acre.

¹¹ Mining operations involving the creation or expansion of water impoundments shall comply with the requirements of this document regarding water impoundments.

¹² Wetland Mitigation required for projects located within an approach surface, the airport direct or secondary impact area shall be authorized only upon demonstration, supported by substantial evidence, that it is impracticable to provide mitigation outside these areas. Proposals for wetland mitigation shall be coordinated with the airport sponsor, the Department of Aviation, the FAA and the wetland-permitting agencies prior to the issuance of required permits. Wetland mitigation shall be designed and located to avoid creating a wildlife hazard or increasing hazardous movements of birds across runway and approach surfaces. Conditions shall be imposed as are appropriate and necessary to prevent in perpetuity an increase in hazardous bird movements across runway and approach surfaces.

The land uses identified in the following table, and their accessory uses, are permitted, permitted under limited circumstances, or prohibited in the manner therein described. In the event of conflict with the underlying zone, the more restrictive provisions shall control. As used in this section, a limited use means a use that is allowed subject to special standards specific to that use.

LIMITATIONS AND RESTRICTIONS ON ALLOWABLE USES

(From: 2003 Model Public Use Airport Safety and Compatibility Overlay Zone (Visual and Instrument Approach Airports), Oregon Department of Aviation: Table 7-1)

Key: P = Use is Permitted C = Use is Conditional N = Use is Not Allowed				
Use	RPZ ¹	Approach Surface ⁸	Direct Impact Area	Secondary Impact Area
Airport	C ²	C ³	P	P
Residential	N	C ¹⁰	C	P
Commercial	N	C ⁹	C	P
Industrial	N	C ⁹	P	P
Institutional	N	C ⁹	C	P
Farm Use	P ³	P ³	P ³	P ³
Roads/Parking	C ⁴	P ³	P	P
Utilities	C ⁵	C ⁵	C ⁵	C ⁵
Parks/Open Space	C ⁶	P	P	P
Golf Courses	C ⁷	C ^{7,9}	C ⁷	C ⁷
Athletic Fields	N	C ⁹	C	P
Sanitary Landfills	N	N	N	N
Water Treatment Plants	N	N	N	N
Mining	N	C ¹¹	C ¹¹	C ¹¹
Water Impoundments	N	N	N	N
Wetland Mitigation	N	C ¹²	C ¹²	C ¹²

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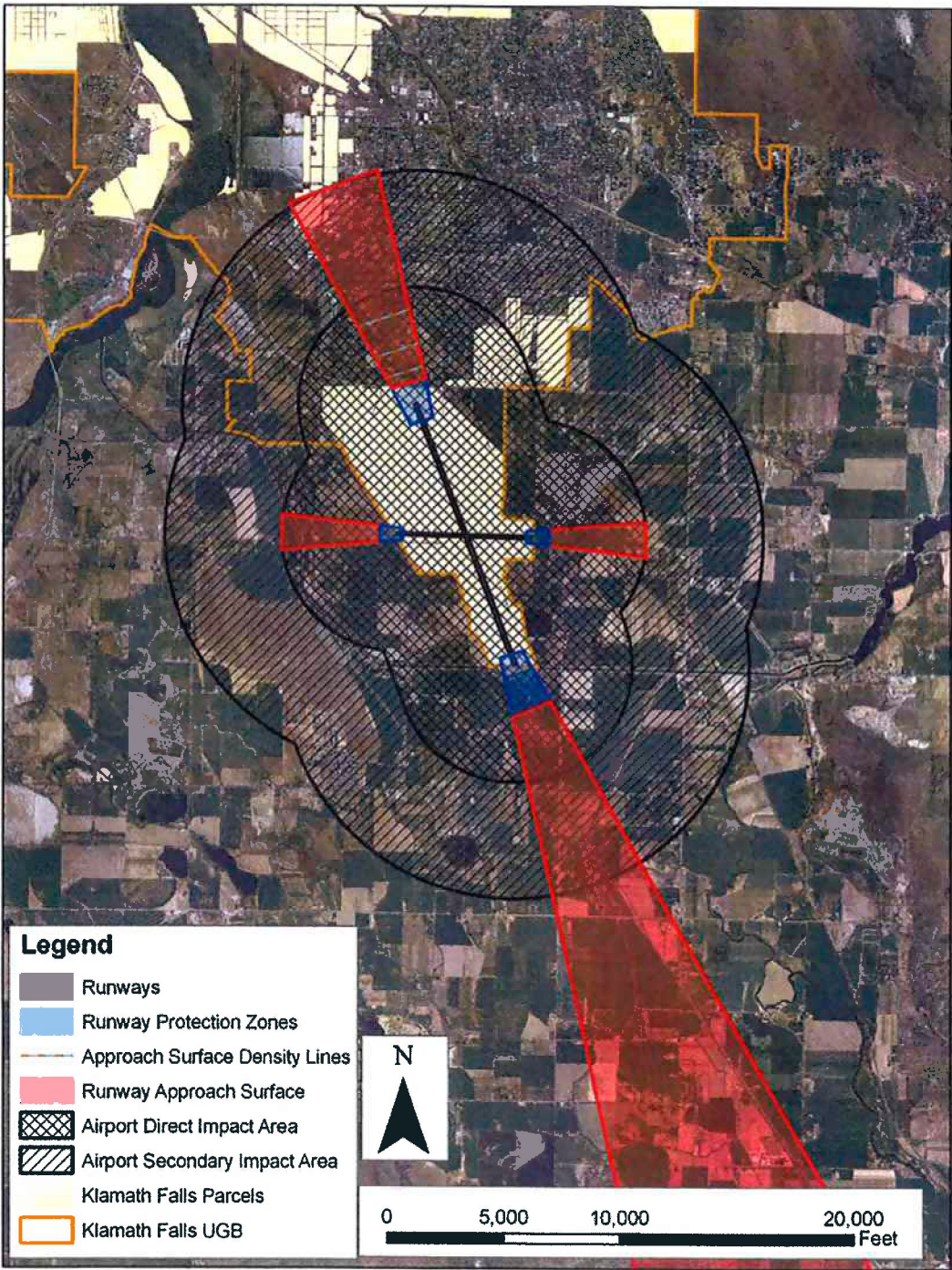
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The following airport impact area map identifies the zones, surfaces, and areas that determine restrictions and limitations on allowable uses.



- ~~(1) **Precision Instrument Runway Approach Zone.** This approach surface, which is associated with Runway 32, slopes upward 50 feet horizontally for each foot vertically beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline; thence slopes upward 40 feet horizontally for each foot vertically to an additional horizontal distance of 40,000 feet along the extended runway centerline.~~
- ~~(2) **Nonprecision Instrument Runway Approach Zone.** This approach surface, which is associated with Runway 14, slopes upward 34 feet horizontally for each foot vertically beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.~~
[Amended by Ordinance 00-09, enacted May 1, 2000]
- ~~(3) **Utility Runway Approach Zone.** This approach surface, which is associated with Runway 7-25 slopes upward 20 feet horizontally for each foot vertically, beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.~~
- ~~(4) **Transitional Zone.** Slopes upward and outward seven feet horizontally for each foot vertically beginning at the sides of and at the same elevation as the primary surface and the approach zones and extending to where it intercepts the horizontal surface at the height of 150 feet above the airport elevation (4,242 feet MSL). In any area where the approach surfaces pass through the conical surface, there are established height limits sloping upward and outward seven feet horizontally for each foot vertically beginning at the sides of and at the same elevation as the approach zones and extending to where they intersect the conical surface. Where the Precision Instruments Runway Approach Zone projects beyond the conical zone, height limits sloping upward and outward seven feet horizontally for each foot vertically shall be maintained beginning at the sides of and at the same elevation as Precision Instrument Runway Approach surface and extending to a horizontal distance of 5,000 feet measured at 90 degree angles to the extended runway centerline.~~
- ~~(5) **Horizontal Zone.** One hundred fifty (150) feet above the airport elevation or a height of 4,242 feet above mean sea level.~~
- ~~(6) **Conical Zone.** Slopes upward and outward 20 feet horizontally for each foot vertically beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending to a height of 350 feet above the airport elevation or a height of 4,442 feet above mean sea level.~~
- ~~(7) Where an area is covered by more than one (1) height limitation, the more restrictive limitation shall prevail.~~

12.620 Principal Uses Permitted in the Airport Noise Impact Boundary. Airport noise is a primary concern when considering the compatibility of land uses surrounding an airport. Encroachment of noise sensitive development (residences, schools, churches, auditoriums, etc.) into areas experiencing or likely to experience noise levels of 65 DNL or greater shall be avoided.

The basic approach to enhancing noise compatibility is to minimize the extent to which noise disrupts human activities or generates annoyance. The best land use planning programs typically allow as few people to occupy highly noise impacted areas as possible. Specific requirements for land use planning around airports involve many levels of government and the public.

The following notes provide requirements for determining land use restrictions in the condensed version of Table 6A from the 2005 Klamath Falls Airport Master Plan. Conditions listed in the notes help mitigate noise exposure by using building retrofit strategies such as roof upgrading, window glazing improvement, fireplace baffling, caulking construction seams and other measures.

Notes:

¹ All residences in Zone I are discouraged, and all residences in Zone II are strongly discouraged. Prior to approving residential uses in Zone I, the community should conduct an analysis to determine that a greater community need is being met by permitting residential uses within the zone. Where it is determined that residential uses must be allowed, measures to achieve a 25-dB reduction from outdoor noise levels (i.e., Noise Reduction or NLR) in Zone I and a 30-dB reduction in Zone II should be a condition of approval. (Normal construction can be expected to achieve a reduction of 20, thus the reduction requirements normally assume mechanical ventilation and closed windows year round). An aviation easement fee should be provided to (the airport authority).

NLR criteria will not eliminate outdoor noise problems. However, building location, site planning and the design and use of berms and barriers can help mitigate outdoor noise exposure particularly from ground-level sources. Measures that reduce noise at a site should be used where there is a preference to measures that protect only interior space.

² Measures to achieve NLR of 25 shall be incorporated into the design and construction of portions of these buildings where the public is not in office areas, noise sensitive areas, or where the normal noise level is low.

³ Measures to achieve NLR of 30 shall be incorporated into the design and construction of portions of these buildings where the public is not in office areas, noise sensitive areas, or where the normal noise level is low.

⁴ Land-use compatible, provided that special sound reinforcement systems are installed.

Key to Table of Land Use Compatibility Standards

Y (Yes) Land use and related structures compatible without restrictions.

N (No) Land use and related structures are not compatible and should be prohibited.

NLR Noise Level Reduction (NLR) measured as the difference between outdoor and indoor noise levels.

25 or 30 Land use and related structures generally compatible; measures to achieve NLR of 25 or 30 dB should be incorporated into design and construction of structure.

25* or 30** Land use generally compatible with NLR; however, measures to achieve an overall noise reduction do not necessarily solve difficulties and additional evaluation is warranted.

Y* Land use and related structures generally compatible; see notes 2 and 3.

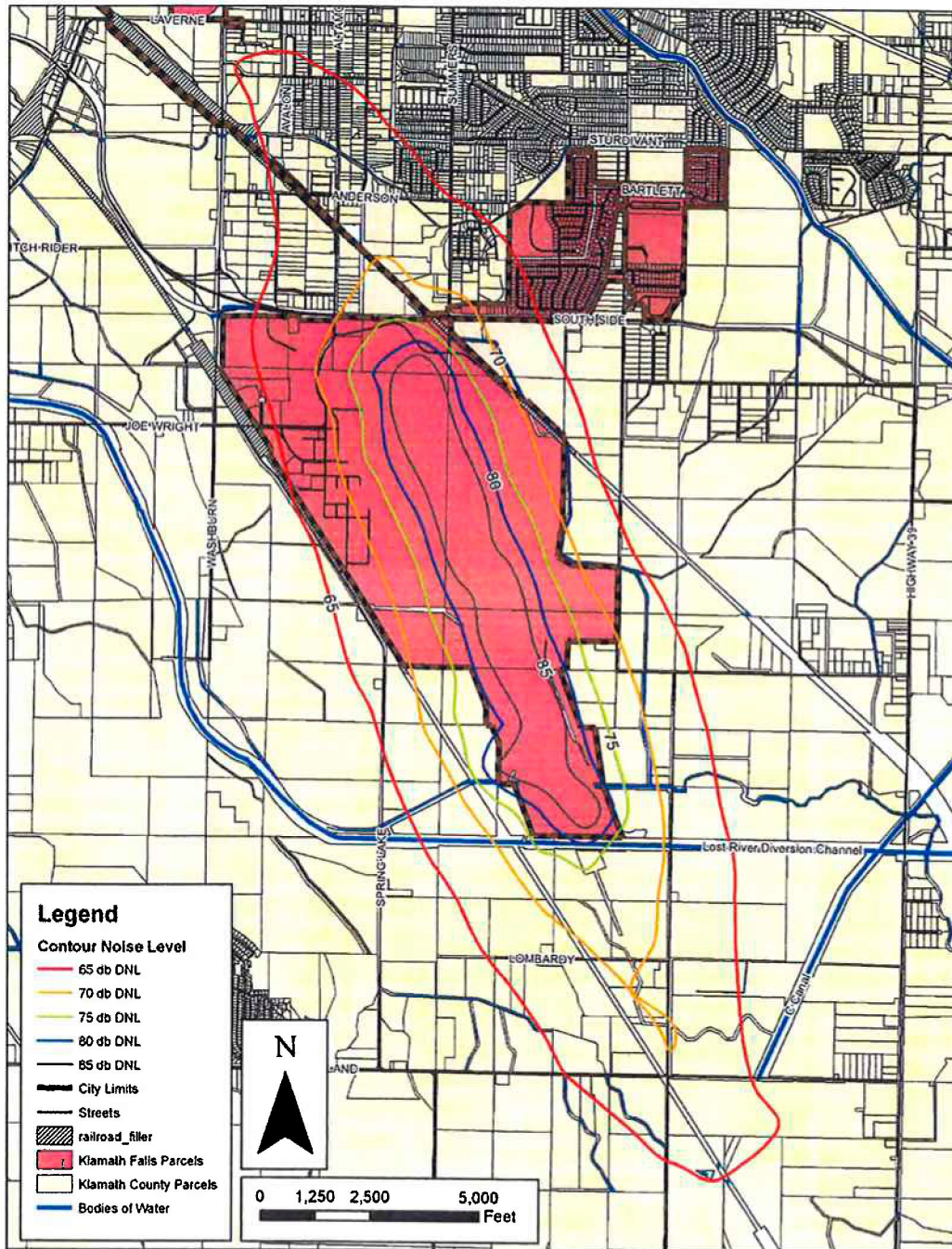
Source: Federal Interagency Committee on Urban Noise, Guidelines for Considering Noise in Land Use Planning and Control, Washington

The following uses and activities are permitted outright, with conditions, or prohibited in the Airport Noise Impact Boundary. The table is divided into six categories: residential, manufacturing, transportation/communications/utilities, trade, services, and cultural/entertainment/recreational.

LAND USE COMPATIBILITY GUIDELINES FOR AIRPORT NOISE
(Condensed from: Klamath Falls Airport Master Plan 2005 'Table 6A')

Land Use Name	Noise Zone I (65-69.99)	Noise Zone II (70-74.99)	Noise Zone III (75+)
Residential			
Single Family Dwelling (attached & detached)	25 ¹	30 ¹	N
Manufactured Home	25 ¹	30 ¹	N
Apartment	25 ¹	30 ¹	N
Manufactured Home Park	N	N	N
Home Occupation	25 ¹	30 ¹	N
Residential Home, Group Quarters	25 ¹	30 ¹	N
Transient Lodgings, Hotels, Motels	Y ²	Y ³	N
Other Residential	25 ¹	30 ¹	N
Manufacturing			
Manufacturing/Assembly	Y	Y ²	Y ¹
Storage/Warehousing	Y	Y ²	Y ¹
Professional, scientific and controlling instruments; photographic and optical goods; watches/clocks	Y	25	30
Transportation, Communications, and Utilities			
Motor vehicle, rail, aircraft, marine transportation	Y	Y ²	Y ¹
Automobile parking	Y	Y ²	Y ¹
Communication and Utilities	Y	Y ²	Y ³
Trade			
Wholesale trade	Y	Y ²	Y ¹
Retail building materials, hardware and farm equipment	Y	Y ²	Y ³
Retail Indoor	Y	25	30
Antique Store	Y	25	30
Retail/Thrift Store	Y	25	30
Vehicle Sales	Y	25	30
Restaurant	Y	25	30
Other retail trade	Y	25	30
Services			
Cemeteries	Y	Y ²	N
Personal services	Y	25	N
Business and Professional services	Y	25	30
Auto Repair/Maintenance	Y	Y ²	Y ¹
Hospitals, nursing homes	25 [*]	30 [*]	N
Other medical facilities	Y	25	30
Governmental services	Y [*]	25 [*]	30 [*]
Education services	25 [*]	30 [*]	N
Other services	Y	25	30
Cultural, Entertainment, and Recreational			
Cultural activities (including churches)	25 [*]	30 [*]	N
Natural exhibits	Y [*]	N	N
Public assembly	Y	N	N
Auditoriums, concert halls	25	30	N
Outdoor music shells, amphitheaters	N	N	N
Outdoor sports arenas, spectator sports	Y ¹	Y ⁴	N
Amusements	Y	Y	N
Recreational activities (including golf courses, riding stables, water recreation)	Y [*]	25 ²	30 [*]
Parks	Y [*]	Y [*]	N
Other cultural, entertainment, and recreation	Y ^{**}	Y ²	N

The following airport noise exposure contour map identifies the db DNL for all civilian and military (local and transient) flying operations at Klamath Falls Airport/Kingsley Field, including 24 F-15C tactical fighter aircraft at 7,100 yearly flight hours.



12.625 Principle Uses Permitted on the Klamath Falls Airport Property. *The following uses and activities are permitted on the Klamath Falls Airport property as per ORS 836.600:*

- (1) Customary and usual aviation-related activities, including but not limited to takeoffs and landings, aircraft hangars and tie-downs, construction and maintenance of airport facilities, fixed base operator facilities, a residence for an airport manager, caretaker or security officer, hangars and other activities incidental to the normal operation of an airport. Except as provided in this zone, "customary and usual aviation-related activities" do not include non-aviation related residential, commercial, industrial, manufacturing and other uses.*
- (2) Air passenger and air freight services and facilities, at levels consistent with the classification and needs identified in the Oregon Department of Aviation Airport System Plan.*
- (3) Emergency medical flight services, including activities, and aircraft. Accessory structures and other facilities necessary to support emergency transportation for medical purposes. Emergency medical flight services do not include hospitals, medical offices, medical labs, medical equipment sales, and other similar uses.*
- (4) Law enforcement and firefighting activities, including aircraft and ground based activities, facilities and accessory structures necessary to support federal, state or local law enforcement or land management agencies engaged in law enforcement or firefighting activities. Law enforcement and firefighting activities include transport of personnel, aerial observation, and transport of equipment, water, fire retardant, and supplies. Search and rescue operations, including aircraft and ground based activities that promote the orderly and efficient conduct of search or rescue related activities.*
- (5) Flight instruction, including activities, facilities, and accessory structures located at airport sites that provide education and training directly related to aeronautical activities. Flight instruction includes ground training and aeronautic skills training, but does not include schools for flight attendants, ticket agents, or similar personnel.*
- (6) Aircraft service, maintenance and training, including activities, facilities, and accessory structures provided to teach aircraft service and maintenance skills and to maintain, service, refuel, or repair aircraft or aircraft components. "Aircraft service, maintenance and training" includes the construction and assembly of aircraft and aircraft components for personal use, but does not include activities, structures, or facilities for the manufacturing of aircraft or aircraft-related products for sale to the public.*
- (7) Aircraft rental, including activities, facilities, and accessory structures that support the provision of aircraft for rent or lease to the public.*
- (8) Aircraft sales and the sale of aeronautic equipment and supplies, including activities, facilities and accessory structures for the storage, display, demonstration and sales of*

aircraft and aeronautic equipment and supplies to the public but not including activities, facilities or structures for the manufacturing of aircraft or aircraft-related products for sale to the public.

(9) Crop dusting activities, including activities, facilities and structures accessory to crop dusting operations. Crop dusting activities include, but are not limited to, aerial application of chemicals, seed, fertilizer, defoliant, and other chemicals or products used in a commercial agricultural, forestry or rangeland management setting.

(10) Agricultural and forestry activities, including activities, facilities and accessory structures that qualify as "farm use" as defined in ORS 215.203 or "farming practices" as defined in ORS 30.930.

~~12.610 Use Restrictions.~~ 12.630 Conditional Uses Permitted. *The following uses and activities are conditionally permitted on the Klamath Falls Airport property:*

(1) All private development and public improvements on Airport property, including Air National Guard projects, shall be subject to the review and approval of the City of Klamath Falls Airport. ~~Such projects are not subject to the City development review process.~~ All land uses and activities permitted within airport boundaries, other than the permitted uses and activities established in Section 12.625, are subject to the City of Klamath Falls Community Development Department review process.
[Added by Ordinance 00-09, enacted May 1, 2000]

12.635 Non-permitted Uses. Notwithstanding any of the provisions of Chapters 10 to 14, no use may be made of land within any part of any Airport Safety and Hazard Prevention Overlay zone in any manner which creates electrical interference with navigational signals or radio communication between the airport and aircraft, makes it difficult for pilots to distinguish between airport lights and others, results in glare in the eyes of pilots using the Airport, impairs visibility in the vicinity of the Airport, creates wildlife attractants or tall structures, or otherwise in any way creates a hazard or endangers the landing, takeoff or maneuvering of aircraft intending to use the Airport.

12.640 Nonconforming Uses. The owner of any existing nonconforming structure is hereby required to permit the installation, operation and maintenance thereon of markers and lights as deemed necessary by the City of Klamath Falls, *with the approval of the FAA* to indicate to the operators of aircraft in the vicinity of the Airport the presence of hazards. Such markers and lights shall be installed, operated and maintained at the expense of the City of Klamath Falls. Existing non-conforming structures or vegetation may be subject to removal or alteration by the *City of Klamath Falls at the request of the FAA if found to be an obstruction to airport approach and departure surfaces.*

[Amended by Ordinance 00-09, enacted May 1, 2000]

~~Any non-airport development occurring within one mile of the airport, and all structures 100 feet in height or greater within 3 miles of the airport, must be referred to the City of Klamath Falls Airport for review and comment as part of the applicable development review process.~~

~~[Added by Ordinance 00-09, enacted May 1, 2000]~~

12.645 Procedures. *An applicant seeking a land use or limited land use approval or a building permit in an area within the ASHPO zone enacted by this ordinance shall provide the following information in addition to any other information required in the permit application:*

- (1) Property boundary lines as they relate to the Airport Noise Impact Boundary, Hazard Zones, and the end of the runway.*
- (2) Location and height of all existing and proposed buildings, structures, utility lines and roads.*
- (3) If a height variance is requested, letters of support from the airport sponsor, the Department of Aviation, and the FAA shall be submitted with the application.*
- (4) If a zone change is requested, the applicant must prove the proposed zoning is permitted within a higher Noise Impact Boundary Zone.*

12.650 Klamath Falls Airport Needs. *To ensure the continued and logical pattern of aviation growth at Klamath Falls Airport over the long term and to avoid future growth incompatibilities, the airport or City of Klamath Falls should begin to acquire additional land east of the current airport property boundary. Other reasons why additional property is recommended include: wildlife management, proximity of Homedale Road to the end of Runway 25, protection of the Very High Frequency Omnidirectional Range/Tactical Navigation (VORTAC) critical area, preservation for a potential runway extension, roadway realignments, and new roadway construction. The land is not needed for immediate use, so the program to increase land holdings should include rights of first refusal and a purchase program for when land becomes available for sale by the owner. The Klamath Falls Airport Master Plan depicts the property to be acquired over time and indicates the priority level.*

The following airport needs map identifies property and the corresponding phase for acquisition to continue aviation growth at the Klamath Falls Airport.

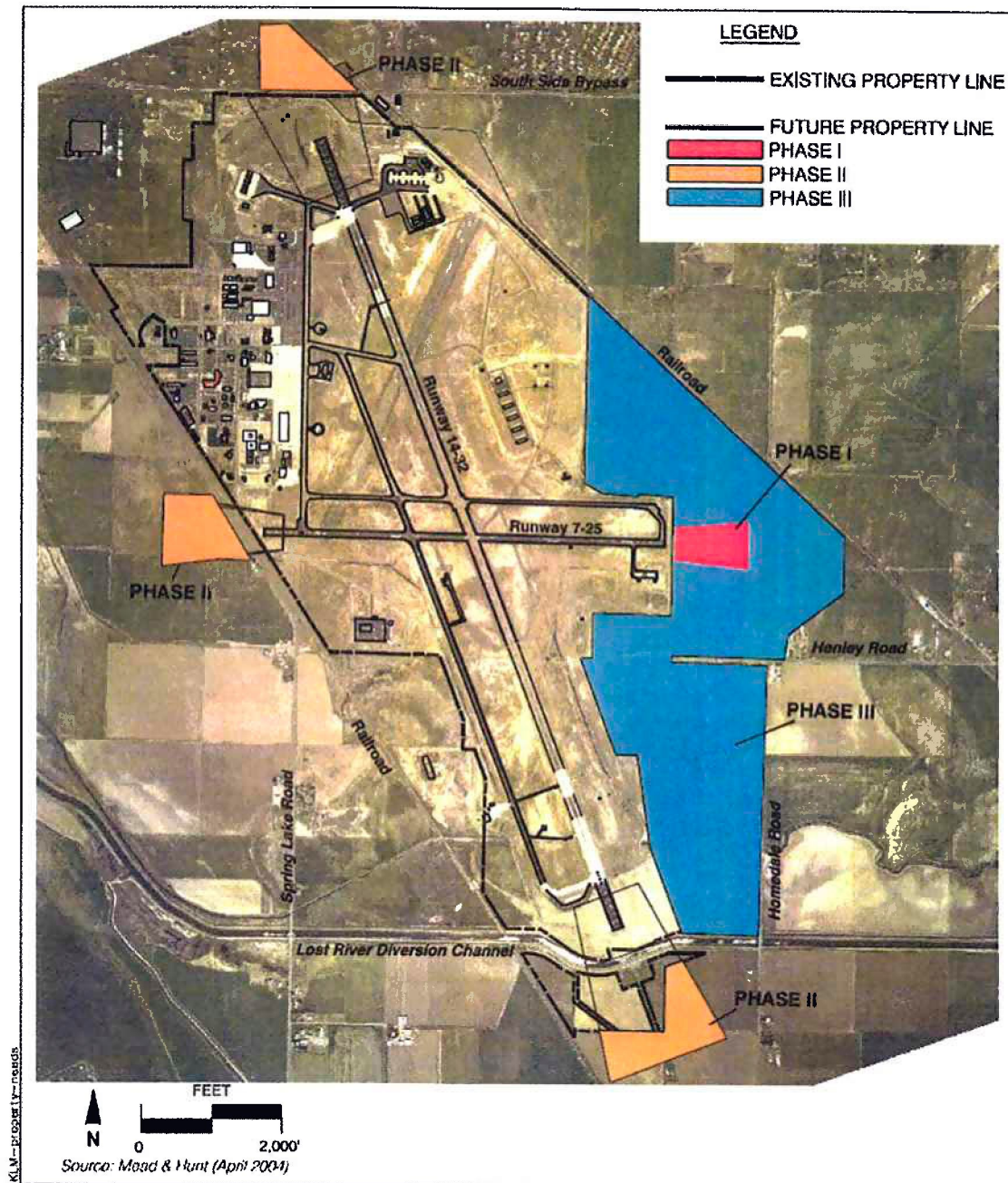


Exhibit "B"

FINDINGS

This proposal is being reviewed according to the provisions of the Klamath Falls Community Development Ordinance (Chapters 10-14), specifically Section 10.105-10.125, regarding CDO Text Amendments.

A. Criterion A precise guide for the physical development of the City.

Facts and Analysis: The proposed code changes would guide the physical development around the airport and within the impact area of the airport, so that higher density development and incompatible uses are not erected in flight areas where hazards are more prevalent, thereby encouraging and supporting the airport's continued operation and vitality.

Finding: This criterion is met.

B. Criterion Adequate opportunity for citizen involvement in the community development process.

Facts and Analysis: The proposed code amendments will not restrict future citizen involvement. A town hall meeting was held on November 6th at which time these proposed amendments were discussed. Notification of the town hall meeting was sent to 588 adjacent property owners. Notification of the Planning Commission public hearing regarding the proposed amendments was sent to 610 adjacent property owners.

Finding: This criterion is met.

C. Criterion Preservation of agricultural lands and conservation of forest lands.

Facts and Analysis: The proposed amendments identify compatible and incompatible land uses within the airport's impact areas. There are no agricultural lands or forest lands within the UGB. No changes relate to this criterion.

Finding: This criterion is met.

D. Criterion Protection of life and property from natural disasters and hazards when and where possible.

Facts and Analysis: The proposed code changes are intended to establish safety standards to promote air navigational safety and reduce potential safety hazards for persons living, working or recreating near the airport.

Finding: This criterion is met.

E. Criterion Orderly and efficient provision of public facilities and services.

Facts and Analysis: The proposed changes would only prohibit public assembly facilities in the Runway Protection Zone (RPZ) and the first 3,000 feet of the approach surfaces. No impact is anticipated on public utilities or services.

Finding: This criterion is met.

F. Criterion Satisfaction of recreational needs of the City and its visitors.

Facts and Analysis: No changes relate to this criterion.

Finding: This criterion is not applicable.

G. Criterion Provision of adequate numbers of housing units at price ranges and rent levels commensurate with broad range of financial capabilities.

Facts and Analysis: No changes relate to this criterion.

Finding: This criterion is not applicable.

H. Criterion Flexibility of housing location, type and density.

Facts and Analysis: The proposed changes would prohibit manufactured home parks within all three zones of the Airport Noise Impact Boundary as they cannot be retrofitted to reduce the noise levels as supported by the Oregon Department of Aviation Airport Land Use Compatibility Guidebook from January of 2003. The proposed changes would also prohibit residential uses in the Runway Protection Zone (RPZ) and limit the density within the approach surfaces to the following densities: (1) within 500 feet of the outer edge of the RPZ, 1 unit per acre; (2) within 500 to 1,500 feet of the outer edge of the RPZ, 2 units per acre; (3) within 1,500 to 3,000 feet of the outer edge of the RPZ, 4 units per acre.

Finding: The text amendments are proposed for safety purposes and only cover a small portion of residential zoned property within the city limits. Flexibility of housing location, type and density is still available. This criterion is met.

I. Criterion Conservation of energy.

Facts and Analysis: No changes relate to this criterion.

Finding: This criterion is not applicable.

J. Criterion A safe, convenient and economic transportation system.

Facts and Analysis: The proposed code changes encourage and support the airports continued operation and vitality.

Finding: This criterion is met.

K. Criterion An orderly and efficient transition from rural to urban land use;

Facts and Analysis: Code language collaboration with the Klamath County Planning Division should create a more efficient transition.

Finding: This criterion is met.

L. Criterion An efficient system of administering the procedures of these Chapters.

Facts and Analysis: The proposed changes require that all land uses and activities permitted within airport boundaries, other than the permitted uses and activities established in Section 12.625, are subject to the Community Development Department review process entailed in the CDO.

Finding: This criterion is met.

M. Criterion An understandable and usable document with a complete set of definitions.

Facts and Analysis: This code section has been modified to include definitions as they relate to the airport and surrounding uses.

Finding: This criterion is met.

N. Criterion Appropriate development of sites compatible with the neighborhood.

Facts and Analysis: The proposed changes would restrict some development, in regards to density or type of use to protect the health and safety of individuals in the neighborhoods surrounding the airport. The text amendments are proposed to permit compatible development adjacent to the airport.

Finding: This criterion is met.

O. Criterion Reduction of adverse impacts on public facilities and services.

Facts and Analysis: No changes relate to this criterion. No impacts are anticipated on public utilities or services.

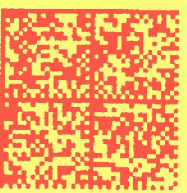
Finding: This criterion is not applicable.

P. Criterion A healthful, stable, efficient and pleasant environment.

Facts and Analysis: The proposed code changes are expected to contribute to building a more healthful, stable, efficient, and pleasant environment.

Finding: This criterion is met.

Y OF KLAMATH FALLS
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amath Falls, OR 97601



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