



# Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

[www.lcd.state.or.us](http://www.lcd.state.or.us)



## NOTICE OF ADOPTED AMENDMENT

02/24/2009

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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: Klamath County Plan Amendment  
DLCD File Number 013-08

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: Friday, March 06, 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: Leslie Wilson, Klamath County  
Doug White, DLCD Community Services Specialist  
Jon Jinings, DLCD Regional Representative

<pa> YA

# DLCD

## 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

In person  electronic  mailed

**DEPT OF**

**FEB 17 2009**

**LAND CONSERVATION AND DEVELOPMENT**

DATE STAMP

For DLCD Use Only

Jurisdiction: **Klamath County**

Local file number: **CLUP/ZC13-08**

Date of Adoption: **12/31/2008**

Date Mailed: **2/12/2009**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: 6/11/2008

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".

Amendment to the Klamath Falls (Kingsley Field) Airport Noise Overlay to permit additional military flights and potential change of aircraft type. Text to be amended for public safety and map to identify the expanded noise area. Restrictions to be included will be acknowledgement of building code and necessary restrictive covenants. Effect from not adopting may cause closure to Guard and Air Force base operations

Does the Adoption differ from proposal? No, no explanation is necessary

Plan Map Changed from: **1984 Acknowledged**

to: **Expanded**

Zone Map Changed from: **1984 Acknowledged**

to: **Expanded & GIS Adopted**

Location: **Surrounding KF Airport**

Acres Involved:

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

New: **70+Ldn limited**

Applicable statewide planning goals:

- |                                     |                                     |                          |                          |                          |                          |                          |                          |                                     |                                     |                                     |                                     |                          |                          |                          |                          |                          |                          |                          |
|-------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| <b>1</b>                            | <b>2</b>                            | <b>3</b>                 | <b>4</b>                 | <b>5</b>                 | <b>6</b>                 | <b>7</b>                 | <b>8</b>                 | <b>9</b>                            | <b>10</b>                           | <b>11</b>                           | <b>12</b>                           | <b>13</b>                | <b>14</b>                | <b>15</b>                | <b>16</b>                | <b>17</b>                | <b>18</b>                | <b>19</b>                |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

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 # 013-08 (16945)*

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**DLCD file No.** \_\_\_\_\_

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

Oregon Dept of Aviation, Oregon Air National Guard, US Air Force, FAA, DEQ, ODOT, ODF&W, DSL, City of Klamath Falls, Klamath Falls Airport, Basin Transit, and KC FD#1.

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Local Contact: **Leslie C. Wilson, Planning Director**      Phone: (541) 883-5121      Extension: 3079  
Address: **305 Main Street**      Fax Number: **541-885-3644**  
City: **Klamath Falls**      Zip: **97601-**      E-mail Address: **lwilson@co.klamath.or.us**

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## **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 your request to: (503) 378-5518; or Email your request to **mara.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.

**BOARD OF COUNTY COMMISSIONERS**

**KLAMATH COUNTY, OREGON**

**IN THE MATTER OF AMENDING ARTICLE )  
58.220(A), KLAMATH COUNTY LAND )  
DEVELOPMENT CODE, KLAMATH FALLS )      **ORDINANCE 45.71**  
AIRPORT NOISE OVERLAY; AND KLAMATH )  
COUNTY COMPREHENSIVE PLAN MAP )  
AND THE OFFICIAL ZONING MAP )**

**WHEREAS**, the Klamath County Board of Commissioners has the authority and desires to amend the Land Development Code (KCLDC), Comprehensive Plan Map (Comp Plan Map), and Official Klamath County Zoning Map (Zone Map); and

**WHEREAS**, the Klamath County Planning Department provided written notice of the public hearing in Measure 56 format consistent with process/format identified in ORS 197.047 to 2,952 property owners; and

**WHEREAS**, a quasi-judicial public hearing was held on August 26, 2008 and continued to November 25, 2008; and, a Staff Report was provided; and, public testimony was considered before the Klamath County Planning Commission; and

**WHEREAS**, on November 25, 2008, based on testimony entered and in consideration of the whole record, the Klamath County Planning Commission adopted as its own the Findings of Fact provided in the Staff Report and recommended approval of Option B to amend the KCLDC, Comp Plan Map, and Zone Map; and, said recommendation was forwarded to the Klamath County Board of Commissioners; and


**WHEREAS**, the Klamath County Board of Commissioners have held public hearings and have determined that it is in the best interest of Klamath County to amend Article 58.220(A), Permitted and Conditionally Permitted Uses, of the KCLDC; and, amend the Comp Plan and Zone Maps by Order of the Klamath County Board of Commissioners.

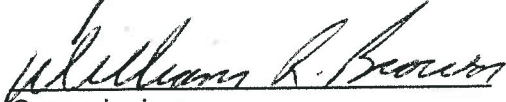
**NOW, THEREFORE, THE BOARD OF COMMISSIONERS OF KLAMATH COUNTY ORDERS AS FOLLOWS:**


1. *The amendments to the adopted Klamath County Land Development Code, the Comprehensive Plan and Zone Maps which are attached hereto, marked Exhibit "A", "B", "C" and incorporated herein by reference are hereby adopted.*
2. *The Klamath County Comprehensive Plan Map – Klamath Falls Airport Noise Overlay Map is hereby adopted in electronic form; and*
3. *The Official Klamath County Zoning Map is hereby amended to include the Klamath Falls Airport Noise Overlay Map, in electronic form.*


DATED this 71 day of December 2008.

**FOR THE BOARD OF COMMISSIONERS**

  
\_\_\_\_\_  
Chairman

  
\_\_\_\_\_  
Commissioner

  
\_\_\_\_\_  
Commissioner

  
\_\_\_\_\_  
County Counsel  
Approved as to form

**NOTICE OF APPEAL RIGHTS**

This decision may be appealed to the Oregon Land Use Board of Appeals (LUBA) within 21-days following the date of the mailing of this order. Contact LUBA for information as how to file this appeal (LUBA by phone 1-503-373-1265 or by mail at 550 Capitol Street NE, Suite 235, Salem Oregon 97301-2552). Failure to do so in a timely manner may affect your rights.

# Exhibit A

## 58.220 - PERMITTED AND CONDITIONALLY PERMITTED USES

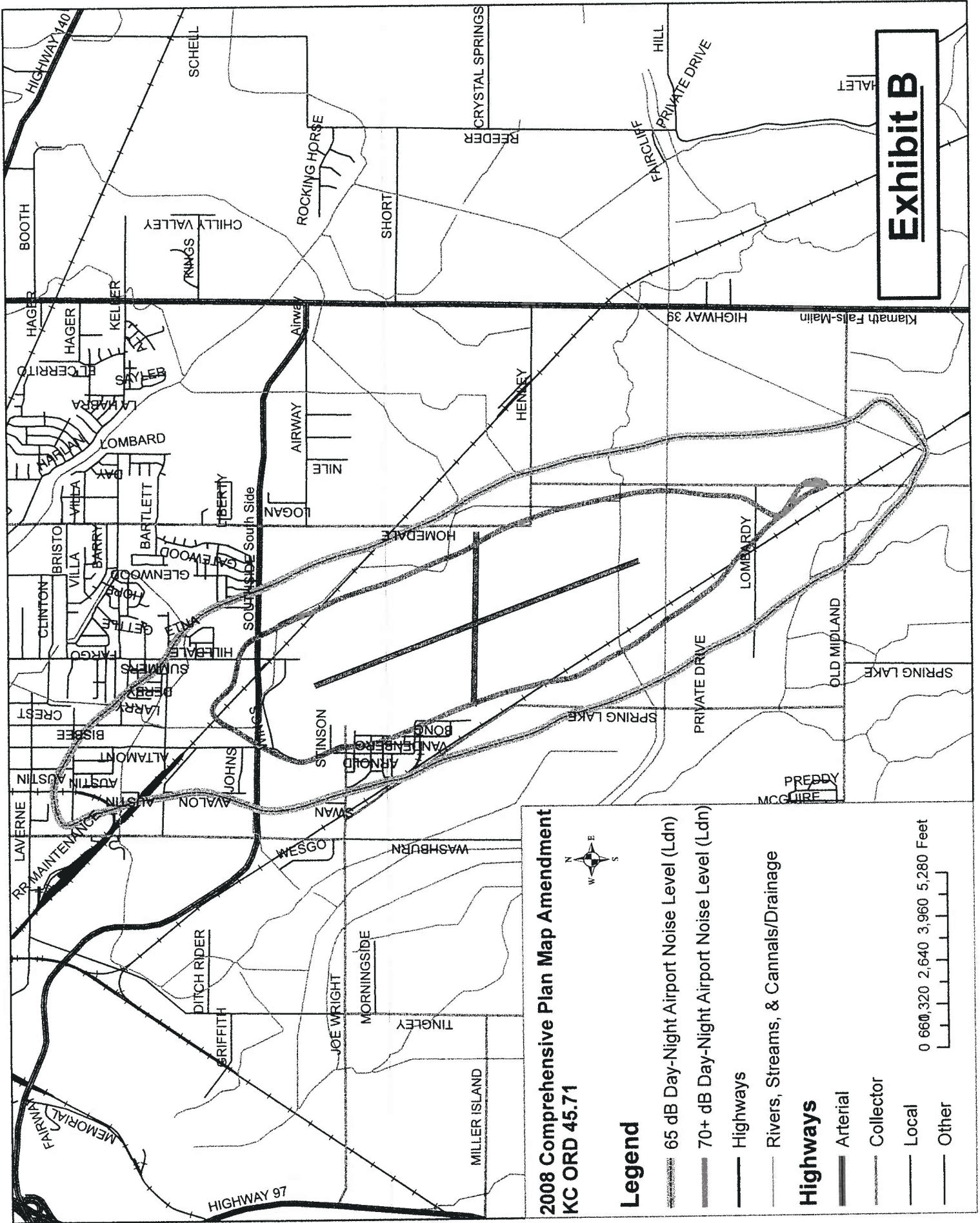
If the boundaries of the airport noise overlying zone overlap any portion of a basic zone designation, then said portion shall be subject to the use limitations described by this article. In no case shall the airport noise overlay permit a more intensive use than that allowed by the basic zone designation.

### A. Area within the 65-70 Ldn Contours:

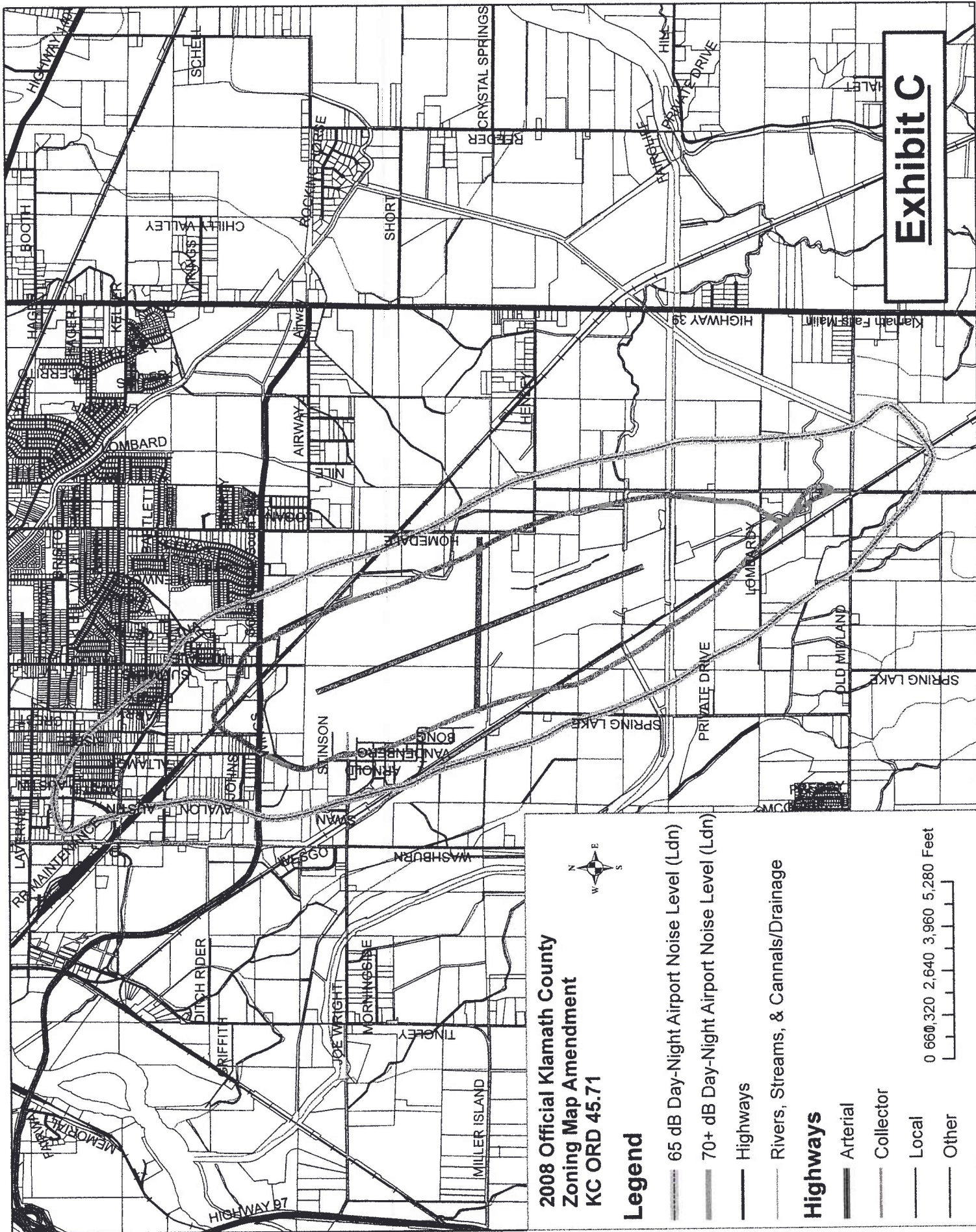
1. Permitted uses include parks, playgrounds, golf courses, riding stables, water-based recreation areas, cemeteries, industrial, and all agricultural use types in accordance with the basic zone designation.
2. Conditionally permitted uses include single-family and multifamily residential uses, commercial uses, civic uses, offices, lodging, and sports arenas and stadiums in accordance with the basic zone designation.
3. Development provisions shall apply as conditions of approval for any residence or land division in conjunction with a conditional use permit or site plan review.
  - a. Development of residential dwellings and land division shall include a written statement recorded with the deed which recognizes the existence of the Klamath Falls Airport and all present and future operational activities and practices. Said statement shall incorporate a health and safety agreement of "no remonstrance/no complaint"; and, the acceptance of present and future noise impact(s).
  - b. Placement of a dwelling through the conditional use permit process may be permitted on a lot or parcel lawfully created regardless of property's size; unless, prohibited by the underlying land use zone.

### B. Area within the 70 and Greater Ldn Contour:

1. Permitted uses include golf courses, riding stables, water-bases recreation areas, cemeteries, industrial, and all agricultural uses in accordance with the basic zone designation.
2. Conditionally permitted uses include civic and commercial uses, offices, and lodging uses in accordance with the basic zone designation.
3. Prohibited uses include permanent residential, community education, religious assembly, cultural exhibits and library services, and any health care related use.



# Exhibit B



# Exhibit C

**2008 Official Klamath County  
Zoning Map Amendment  
KC ORD 45.71**

**Legend**

- 65 dB Day-Night Airport Noise Level (Ldn)
- 70+ dB Day-Night Airport Noise Level (Ldn)

- Highways
- Rivers, Streams, & Cannals/Drainage

**Highways**

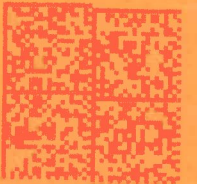
- Arterial
- Collector
- Local
- Other





Klamath County  
Planning Department  
305 Main Street  
Klamath Falls, OR 97601

ATTENTION: PLAN AMENDMENT SPECIALIST  
DEPT OF LAND CONSERVATION &  
DEVELOPMENT  
635 CAPITOL STREET NE, SUITE 150  
SALEM OR 97301-2540



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