



# Oregon

Theodore R. Kubongoski, 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



## NOTICE OF ADOPTED AMENDMENT

7/19/2010

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

FROM: Plan Amendment Program Specialist

SUBJECT: Klamath County Plan Amendment  
DLCD File Number 001-10

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, July 30, 2010

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 Acknowledgment or 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 than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Leslie Wilson, Klamath County  
Jon Jinings, DLCD Community Services Specialist  
Bob Cortright, DLCD Regional Representative  
Bill Holmstrom, DLCD Transportation Planner

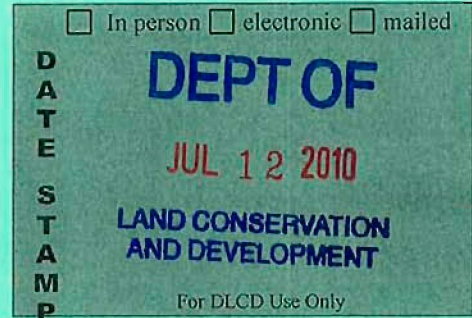
<paa> YA

FORM 2

# 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



Jurisdiction: **Klamath County**

Local file number: **ORD. 44.84**

Date of Adoption: **7/8/2010**

Date Mailed: **7/9/2010**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: 4/14/2010

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".

Adoption of Klamath County TSP with associated Comprehensive Plan (Part I - Policies & Part II Atlas) text changes and amendments to the Land Development Code (Part III).

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

Plan Map Changed from:

to:

Zone Map Changed from:

to:

Location: **Rural & outside UGBs Klamath County**

Acres Involved:

Specify Density: Previous:

New:

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>
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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:

Basin Transit, City of Klamath Falls, City of Malin, City of Merrill, City of Chiloquin, Town of Bonanza, Klamath Falls Public Works & Airport, ODOT, ODF, Klamath County Public Works, Emergency Mgt & Fire Districts

Local Contact: **Leslie C. Wilson, Senior Planner**

Phone: (541) 883-5121 Extension: 3085

Address: **305 Main Street**

Fax Number: **541-885-3644**

City: **Klamath Falls**

Zip: **97601-**

E-mail Address: **Lwilson@co.klamath.or.us**

DLCD File No. 001-10 (18254) [16210]

**BEFORE THE BOARD OF COMMISSIONERS  
FOR THE COUNTY OF KLAMATH**

**ORDINANCE 44.84**

**IN THE MATTER OF AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN, ATLAS, & THE LAND DEVELOPMENT CODE TO ADD POLICIES AND OTHER AMENDMENTS NECESSARY TO ADOPT THE KLAMATH COUNTY TRANSPORTATION SYSTEM PLAN**

**PART 1 (POLICIES), PART 2 (ATLAS), & PART 3 (LAND DEVELOPMENT CODE)**

**Part 1**

Goal 5 ..... Policy 28  
Goal 12 ..... Policy 7  
Goal 13 ..... Policy 1  
Goal 13 ..... Policy 3

**Part 2**

Adoption of the Klamath County (2010 – 2030) Transportation System Plan

**Part 3**

ARTICLES: 41.060.N; 46.030.B.5; 62.040; 62.050.C; 68.030; 68.070.A; 71.020; 71.040.H; 83.040.C.7.a; and 88.060.G.

WHEREAS, the Klamath County Planning Department requests, as part of the Comprehensive Plan and Land Development Code Update Program, to amend County Plan Goals 5, 12, & 13; including, County Land Development Code Chapter 40 Articles 41.060.N, 46.030.B.5; Chapter 60 Articles 62.040, 62.050.C, 68.030, 68.070.A; Chapter 70 Article 71.020, 71.040.H; Chapter 80 Articles 83.040.C.7.a, and 88.060.G with regard to provisions of Statewide Planning Goal 12 and the Oregon Transportation Planning Rule OAR 660 Division 12 that apply to all development of transportation systems outside jurisdictional boundaries of incorporated cities and town within Klamath County; and

WHEREAS, these amendments will be applied subject to all applicable provisions of the Klamath County Comprehensive Plan and Land Development Code; and

WHEREAS, the Klamath County Planning Department submitted no request for an exception to Statewide Planning Goals and presented the request in due form for consideration; and

WHEREAS, the Klamath County Planning Department published proper public and agency hearing notice as required by Code and State Law; and

WHEREAS, the Klamath County Planning Commission held a joint public hearing on June 22, 2010 before the Board of County Commissioners; and

WHEREAS, based on testimony entered and consideration of the whole record, including the proposed Findings of Fact identified in the Staff Report, the Klamath County Planning Commission concluded the application was in conformance with Article 49, a legislative amendment, of the Klamath County Land Development Code and Comprehensive Plan, and forwarded a unanimous recommendation of Approval for Planning File CLUP 3-10 (ORD. 44.84) to the Board of County Commissioners; and

WHEREAS, the amendments applied are subject to all applicable provisions of the Klamath County Comprehensive Plan and Land Development Code; and

WHEREAS, based on testimony entered and consideration of the whole record, including the proposed Findings of Fact identified in the Staff Report and recommendation by the Planning Commission, the Board of County Commissioners, on June 22, 2010 APPROVED amending the Klamath County Comprehensive Plan and Land Development Code by adoption of Ordinance 44.84.

**NOW, THEREFORE, THE BOARD OF COMMISSONERS OF KLAMATH COUNTY ORDAINS AS FOLLOWS:**

**SECTION 1**

1. The Board recognizes that the Transportation Elements of the Comprehensive Plan was last amended by Ordinance 44.02, February 16, 1984.
2. Subsequent ongoing planning efforts of the County indicate a need to adopt a countywide Transportation System Plan to facilitate future planned development.

3. The Board takes note that from time to time such changes to the planning documents are necessary for the benefit of the residents of Klamath County, Oregon.
4. Under provisions of the Klamath County Land Development Code, legal responsibilities for public notification; and, the Planning Commission has conducted one or more public hearings on the proposed amendment(s) and has submitted its recommendation to the Board. The Board finds that this Ordinance is based on that recommendation and any modifications made by the Board, as a result of the public hearing process.
5. The Board finds and takes public notice that it is in receipt of all matters and information necessary to consider this Ordinance in an adequate manner, and that this Ordinance complies with the Statewide Planning goals and other relevant standards and criteria set forth in Chapters 195, 197, and 215 of the Oregon Revised Statutes, and the Klamath County Land Development Code.

## **SECTION 2**

The following exhibits, attached hereto and incorporated herein by reference, are hereby adopted as the Klamath County 2010 – 2030 Transportation System Plan (TSP) as follows:

1. Exhibit A amending Part 1 of the Comprehensive Plan Policies, Goal 5 Policy 28; Goal 12 Policy 7; Goal 13 Policy 1; and, Goal 13 Policy 3.
2. Exhibit B amending Part III, the Land Development Code Articles 41.060.N; 46.030.B.5; 62.040; 62.050.C; 68.030; 68.070.A; 71.020, 71.040.H; 83.040.C.7.a; and 88.060.G.
3. Exhibit C amending Part II of the Comprehensive Plan Atlas by the addition of the TSP supported by Part 1 Goal 12 (Transportation).

## **SECTION 3**

All other Comprehensive Plan provisions that have been adopted by prior ordinance, that are not expressly amended or repealed herein, shall remain in full force and effect.

## **SECTION 4**

All applications received prior to the effective date shall be processed in accordance with ORS 215.427 (2009 Edition).

**SECTION 5**

If any portion of this Ordinance, including the exhibits, shall for any reason be held invalid or unconstitutional by a body of competent jurisdiction, the remainder shall not be affected thereby and shall remain in full force and effect, and any provision of a prior land use ordinance amended or repealed by the stricken portion of this Ordinance shall be revived and again be considered in full force and effect.

**SECTION 6**

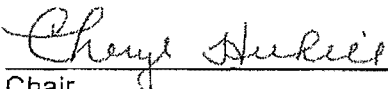
The County Counsel and the Community Development Department – Planning Division, hereafter known as the Planning Department are authorized to prepare planning documents to reflect the changes adopted under Section 2 of this Ordinance, including deleting and adding textual material and maps, renumbering pages or sections, and making any technical changes not affecting the substance of these amendments as necessary to conform to the Klamath County Comprehensive Plan format.

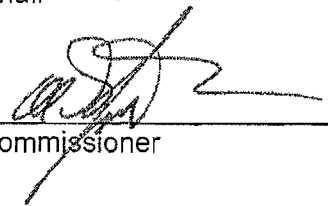
**SECTION 7**

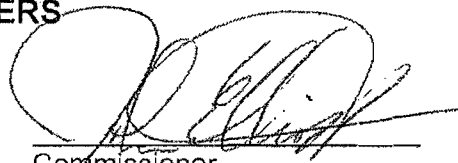
This Ordinance shall take effect thirty (30) days after adoption.

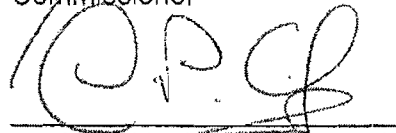
*Approved*  
*6/22/10*

**FOR THE BOARD OF COMMISSIONERS**

  
\_\_\_\_\_  
Chair

  
\_\_\_\_\_  
Commissioner

  
\_\_\_\_\_  
Commissioner

  
\_\_\_\_\_  
Reviewed by County Counsel

# KLAMATH COUNTY COMPREHENSIVE PLAN EXHIBIT A

## Part 1 (TSP IMPLEMENTING POLICIES)

### **Goal 5 – Policy 28**

The County shall encourage efficient energy design in and of proposed subdivisions by encouraging proper building energy-efficient design and orientation as well as efficient circulation for vehicles, pedestrians and bicyclists.

### **Goal 12 – Policy 7**

In coordination with private developers, local governments and the Oregon Department of Transportation (ODOT), shall encourage appropriate improvements to improve the convenience and safety of pedestrian and bicycle transportation throughout the County.

### **Goal 13 – Policy 1**

The County shall encourage the use of renewable and efficient energy sources in residential, commercial, and industrial development, as well as energy-efficient forms of transportation.

### **Goal 13 – Policy 3**

New developments and neighborhoods that are large enough to support neighborhood-serving land uses (e.g., neighborhood shopping centers, schools, parks), shall be encouraged to include such uses to reduce the need for long-distance trips.

**KLAMATH COUNTY COMPREHENSIVE PLAN  
EXHIBIT B**

**Part III (LAND DEVELOPMENT CODE)**

**CHAPTER 40 ARTICLE 41.060**

N. Vehicular, pedestrian, and bicycle access and circulation as required by Article 71.

**CHAPTER 40 ARTICLE 46.030.B**

5. The street plan for the proposed subdivision will permit the development of adjoining land in a safe and efficient manner for vehicles, pedestrians, and bicyclists in accordance with the Comprehensive Plan and this code; and

**CHAPTER 60 ARTICLE 62.040  
(TABLE – PRINCIPLE STRUCTURE REQUIREMENTS)**

<b>Zone</b>	<b>Height</b>	<b>Front</b>	<b>Side</b>	<b>Rear</b>
CN	25	10	See Section 62.050(C)	
CG CR CT	50	10	See Section 62.050(C)	

**CHAPTER 60 ARTICLE 68.030  
OFF-STREET PARKING REQUIREMENTS**

Shopping Centers/Department Stores 3.5 spaces per 1,000 square feet of gross floor area



## **Bicycle Parking Standards**

1. The following bicycle parking standards are applicable only inside a Urban Unincorporated Community or within an Urban Growth Boundary for which Klamath County has jurisdiction. The Klamath Falls Urban Area is exempt from this Bicycle Parking Standards section due to an adopted Urban Area Transportation System Plan (KC ORD. 44.68 Acknowledged November 12, 1998).
2. These standards are only applicable to new structural construction or a major remodel exceeding 50% of the assessed value of the existing structure, as determined by KC Assessor Office records.

<u>Land Use Category</u>	<u>Minimum Required Bicycle Parking Spaces</u>	
Multiple family residence	1	space per 4 units
Primary and secondary schools	1	space per classroom
Vehicle spaces for all other uses	1	space per 10 required vehicle spaces for all other uses with a 2-space minimum

### **CHAPTER 60 ARTICLE 68.070 OFF-STREET PARKING DESIGN STANDARDS**

All off-street parking areas shall be designed according to the standards of this section.

- A. Parking space dimensions - All off-street parking spaces shall be no less than 9 feet by 20 feet in size, except as provided in subsection 1 of this section.
  1. Compact parking space dimension – All off-street parking shall include compact automobile and motorcycle spaces up to 20% of the required number of parking spaces.
  2. Bicycle parking spaces – All required bicycle spaces shall be 6-feet long and 2-feet wide with an overhead covered space clearance of at least 7-feet; and
    - a. A 5-foot clear aisle for bicycle maneuvering provided and maintained beside or between each row of bicycle parking.
    - b. Bicycle racks or lockers must be securely anchored to the surface or an immovable structure.

- c. Bicycle parking must be located in well lit, secure locations within 50-feet of the main entrance to a building:
  - i. No further from the primary entrance than the closest automobile parking space, but in no case further than 50-feet from any entrance where several entrances are involved.
  - ii. Directional signs shall be installed where bicycle parking locations are not visible from building entrances or transit stops. Instructional signs may be required if the rack design is not recognizable as such.

B. The width of isles between all parking spaces shall be no less than: . . .

**CHAPTER 70 ARTICLE 71.020  
ACCESS STANDARDS**

C. Oregon Department of Transportation (ODOT) Approval - Access to property fronting upon a state highway shall be subject to the permits issued by ODOT.

D. Rural County Road Access Management – Minimum Centerline Spacing Standards

Functional Class	System Spacing	Minimum Spacing	Corner Clearance
Rural Major Arterial	1 mile	1,000 feet	1,000 feet
Rural Minor Arterial	1 mile	500 feet	600 feet
Rural Major Collector	1,320 feet	250 feet	100 feet
Rural Minor Collector	1,320 feet	250 feet	50 feet
Rural Local Street	200-400 feet	75 feet	25 feet

E. Rural County Roads – Residential driveways shall be consolidated when possible; including the use of:

1. Limited access medians on arterial routes.
2. Require right in/right out driveways on arterials or collectors where appropriate.
3. Close and consolidate existing access points within 1,320 feet of interchanges, when possible.

4. Restrict new access within 1,320 feet of interchange ramps.

**CHAPTER 70 ARTICLE 71.040  
RECOMMENDED RIGHT-OF-WAY WIDTHS**

H. Recommended Design Standards:

<b>Roadway Design Standards</b>	
Vehicle Lane Widths: (minimum widths)	Truck Route = 12 feet Arterial = 12 feet Collector = 12 feet Local = 10-11 feet Turn Lane = 10-14 feet
On-Street Parking:	Not Applicable
Bicycle Lanes: (minimum widths)	Arterials = 4' paved shoulder Collectors = 4' paved shoulder Curb & Gutter Streets = 5' Standard Bike Lane = 6'
Sidewalks:	Shoulder or separated pathway
Landscape Strips:	Optional
Medians:	Optional
Neighborhood Traffic Management / Traffic Calming:	None
Turn Lanes:	When warranted
Maximum Grade:	Arterials = 6% Collectors = 6% Local Streets = 10%

**CHAPTER 80 ARTICLE 83.040.C.7  
APPLICATION PROCEDURES AND CONTENTS**

- a. A circulation plan indicating proposed circulation for vehicles, pedestrians, and bicyclists, and any special engineering features or traffic regulation devices needed to facilitate or ensure safety in the development;

**CHAPTER 80 ARTICLE 88.060  
APPROVAL CRITERIA**

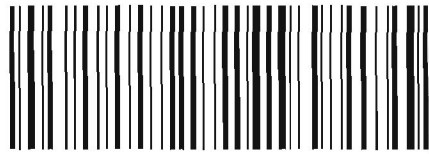
- G. *Safe and efficient circulation shall be incorporated into the design for vehicles, pedestrians, and bicyclists to the extent practical.*

# KLAMATH COUNTY COMPREHENSIVE PLAN EXHIBIT C

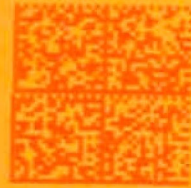
## Part II (ATLAS)

1. Repeal of Comprehensive Plan Atlas (Part II) Section XI, Pages XI-1 to XI-24.
2. Adoption of the Klamath County (2010 – 2030) Transportation System Plan as one document incorporated into Section XI of the Comprehensive Plan Atlas.

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



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\$06.66<sup>0</sup>

07/09/2010

Mailed From 97601

US POSTAGE

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