

**CITY OF KLAMATH FALLS  
PLANNING COMMISSION  
MEETING MINUTES**

**January 12, 2009  
7:00 p.m.**

**CITY COUNCIL CHAMBERS  
500 KLAMATH AVENUE**

**COMMISSIONERS PRESENT:**

Chairman Smith  
Commissioner Frei  
Commissioner Chase  
Commissioner Neupert  
Commissioner Taylor  
Commissioner Henderson  
Commissioner Fitz Gerald

**COMMISSIONERS ABSENT:**

None

**CITY STAFF PRESENT:**

Jeff Ball, City Manager  
Rick Whitlock, City Attorney  
Bill Hancock, Airport  
Erik Nobel, Planning Manager  
Kelly O'Neill, Planner  
Kristina Fitts, Meetings Assistant

**Chairman Smith** asked for approval of the minutes from the November 10, 2008 Planning Commission Meeting.

**COMMISSIONER CHASE MOVED TO APPROVE THE MINUTES FROM THE NOVEMBER 10, 2008 PLANNING COMMISSION MEETING.**

**COMMISSIONER FITZ GERALD SECONDED THE MOTION, AND THE MOTION PASSED BY A UNANIMOUS VOTE.**

**City Attorney Rick Whitlock** stated the evening's item was more appropriately a Legislative item as opposed to Quasi-Judicial and read the Attorney's statement, as it pertains to Legislative items, advising the parties of their rights and responsibilities.

**QUASI-JUDICIAL (should be Legislative) MATTERS:**

**5. COMMUNITY DEVELOPMENT ORDINANCE AMENDMENT 1-CDO-08 for City of Klamath Falls (Recommendation to Council)** The City proposes a text amendment to the Community Development Ordinance Chapter 12 Section 12.600-12.610 Re: Airport Hazard Zones. The amendment would change the text to include a Noise Overlay and Hazard Zone Overlay that have land use restrictions and/or sound proofing requirements in specified areas around the airport. The proposed amendments are being considered for the protection of public health and safety [ORS 195.305(3)(b)] and are required to comply with federal law [ORS 195.305(3)(c)]. This amendment would apply to areas to the north, south, east, and west of the Klamath Falls Airport runways.

**Chairman Smith** asked if there were any conflicts of interest, or significant ex-parte contacts which includes site visits or discussion about the matter. There was no response.

**Planner Kelly O'Neill** reviewed his written report.

**Commissioner Neupert** asked how staff expected to respond to the Oregon Department of Aviation's (ODA) request for language and if staff used Oregon State's exhibits rather than Washington State's. **Mr. O'Neill** responded the ODA had received a draft copy of the proposed Community Development Ordinance (CDO) language in November. Since then staff made updates and the State of Washington aviation information was removed and replaced with a map that corresponds with the City of Klamath Falls airport.

**City Attorney Rick Whitlock** asked if staff sent ODA a copy of the agenda item that has updated suggested CDO changes. **Mr. O'Neill** responded in the negative. **Mr. Whitlock** asked if they were responding with the previous draft. **Mr. O'Neill** responded in the affirmative and stated all of their suggested changes are all still in the proposed language. The only thing that changed is the section numbers. For example, 12.610(11) is now 12.610(12).

**Commissioner Neupert** asked Mr. O'Neill to summarize the City's role, the benefits, if the item was proposed as a response to something, etc. **Mr. O'Neill** stated the Air National Guard (ANG) is proposing to fly more planes at more flight hours yearly so it has been recommended the City adopt noise contours and amend CDO language. It is important the City do it for the continuance of the ANG as they are one of the primary employers in the area. The City of Klamath Falls owns the airport so as the State of Oregon recommends, local jurisdictions have the obligation to control land uses next to their airports. Therefore, the City's obligation is to set some standards as current standards are on height restriction only. **Mr. Whitlock** stated the amendments are

considered for public health and safety and made reference to a federal law requirement that went out in the notice which is not entirely correct. It is fair to say the City is obligated under federal law to take a look at the uses and make decisions regarding compatibility between airport uses and adjoining properties. No result was required based on the recommendations but the City is required to look at it and make the best judgment about the issues raised. There is some uncertainty about what federal law requires but the City is obligated to take a look at the airport and adjacent uses by state and federal law. **Commissioner Fitz Gerald** asked if it is reasonable to examine it but there is no standard by which the City is to be measured from outside of the City and it is a choice being made from the standpoint of reasonable policy. **Mr. Whitlock** responded in the affirmative. There is no state or federal standard that requires a specific result but it is the obligation of the Planning Commission to make a recommendation to Council to uphold the standards referred.

**Commissioner Fitz Gerald** stated the staff report references 5,600 training hours per year followed by a parenthesis of 7,100 and asked if that had to do with the environmental assessment completed in June of 2007. **Mr. O'Neill** responded he would have to defer the response to the ANG representatives.

**Commissioner Fitz Gerald** stated in the notes the Planning Commission received just before the meeting, properties within the proposed zones and areas are identified and staff identifies 50 tax lots that are residential and within the 65 to 69.99 decibel range and 2 tax lots within the 70-74.99 range. He asked if staff knew if the aforementioned residences are occupied. **Mr. O'Neill** responded the majority of the 50 tax lots are, currently, a subdivision and the other two he was unsure of. **Commissioner Fitz Gerald** asked if the commercial and industrial is primarily aviation related activities. **Mr. O'Neill** responded there is no commercial within the noise contours. Most are by Washburn Way and Laverne; therefore, none of them are airport related. He referenced industrial and noted some of them probably are and some are manufacturing which are un-airport related.

**Commissioner Neupert** asked if there are any residential zone areas within 3,000 feet of the outer edge of the runway protection zone (RPZ). **Mr. O'Neill** responded there are none within the zone that are within the jurisdiction of the City of Klamath Falls and there is no residential within any of the approach zones that are in the City of Klamath Falls jurisdiction. The north approach zone is entirely in the urban growth boundary (UGB) area. **Commissioner Neupert** asked what the impact is on residential densities within approach surface and where do the numbers come from. He asked if they are just probabilities of an impact hitting a structure and reducing the probabilities. **Mr. O'Neill** responded that the possibility of impact is where the numbers were most likely derived from. He noted they are the recommended numbers from Mead & Hunt who wrote the 2007 ODA guide. He further noted the closer to runway protection zones the less dense housing should be allowed because of the potential of a crash.

**Commissioner Neupert** asked how much area in the UGB will be affected by the density levels within the distance to the RPZ. **Mr. O'Neill** responded staff did not have the exact acreage but it is not a substantial area and noted, in reference to the map on page 14 of the Commission's packets, all of the residential was in County jurisdiction. There is one piece of industrial land that is partially in the RPZ and within the first 500 feet of the Runway Approach Surface and is City-owned. **Commissioner Neupert** stated the language is with the outer edge of the RPZ so it is not the same wedge as the approach zone but a 3,000 foot radius. **Mr. O'Neill** stated it extended out from the RPZ.

**Commissioner Henderson** asked, besides preventing ground incidents, if those numbers would also be put forth intentionally with land use practices in mind so those areas do not get infilled. **Mr. O'Neill** responded is the affirmative. **Commissioner Henderson** asked if it is to protect the viability of airports. **Mr. O'Neill** responded it was definitely the intention and the safety and health of people living within that approach surface within the first 3,000 feet.

**Commissioner Fitz Gerald** stated the runway approach surfaces clearly favor a southern approach. He asked if the bulk of traffic is required to approach from the south roughly north northwest. **Mr. O'Neill** responded the approach surface going south is a precision instrument runway approach zone and extends a distance of 40,000 feet. The approach surface north is not a precision instrument zone and the east/west surfaces are utility runways with visual approach all defined in the City of Klamath Falls Master Plan.

**Jeff Ball, City Manager**  
**City of Klamath Falls**  
**500 Klamath Avenue**  
**Klamath Falls, Oregon**

**Mr. Ball** referred to a large map of the airport, copies in Commission's packets, and gave a history of the creation and evolution of the airport. In 1928, residents of the City of Klamath Falls decided they wanted an airport and approved \$50,000 in bonds, bought the land south of the City at the time and put in a gravel runway. In 1942, the Navy chose the City's airport as a Naval air station location, made improvements to the facility and trained pilots for the Pacific Theatre. The alert hangar is a Navy hangar from that period. In 1954, the airport was chosen for the site of a United States Air Force base and the City assisted in acquiring more land. The Air Force was present through 1978 and the 10,000 foot runway was built at the airport at that time. In 1978, the Department of Defense decided to close Kingsley Field and supplied a study on how to turn it over to civilian use. In 1980, the ANG was brought in and has been present ever since and is one of the area's top three employers. Since 1980, the airport has been run as a joint-use facility and every five years the City negotiates an agreement between the City and Washington to accommodate both civilian and military aircraft. In 1980, the

Comprehensive Plan and CDO both recognized the importance of the existence of the airport. The CDO currently recognizes hazard zones but the City never adopted any. The County has had them in place for years but the City never did because there were no City properties affected by it until WalMart was annexed. The hazard zone Mr. O'Neill described is less stringent than what currently exists at Klamath County. The County has some limitations on public assembly areas that the City did not pursue that will impact areas up to WalMart; whereas, the City's is the 3,000 foot area noted. The City needs to adopt it for continued future existence of the airport and in recognition of the role the ANG plays in the community and to insure future development does not continue to fill in the map to where civilian and military have to relocate the facility.

#### **PROPOSERS:**

**Lance P. McCuiston, Major, ORANG  
Base Civil Engineer  
173<sup>rd</sup> Fighter Wing  
Kingsley Field  
Klamath Falls, Oregon**

**Major McCuiston** stated the study, the master plan and the noise contours are for combined military and civilian traffic. The operations reflected are already in action so the Commission is not being asked to approve something that will be in the future; however, also included are the projected numbers. There are standards set in the nation as reflected in the Federal Aviation Administration (FAA) Code of Federal Regulations (CFR) 14 parts 150, 30 and 161, the ODA and standards set by the Air Force that they try to comply with. As a military person he can only recommend those to local governments and the City is in the position to accept those recommendations or not. They also conducted Environmental Protection Agency (EPA) environmental assessments, required by law, every time there is a mission change or growth. In 1988, when the ANG converted from F4's to F16's and 1998 when they converted from F16's to F15's there were studies performed. There was a small study with the City in 2005 which is before the Commission for the 2008 approved environmental assessment (EA) that was recently done for 5,600 yearly flight hours and in that they included 7,100 hours. He stated that in planning future projected growth should be included and they were advised their mission may grow. In 2010, they will be the only F15 training base in the United States of America. They did not know what kind of growth they could expect but were planning for it. He noted they could not do a leap of action until that growth is stipulated. Between 5,600 and 7,100 hours is only a slight increase in noise and there are different types of patterns conducted as it is a training base. Unlike the comments from the community state, they try to minimize noise at night and take off from the south and land to north and two things drive that; training and winds. Regulation states they cannot take off with more than a 10 knot tail wind as it is dangerous. He stated they require certain types of approaches: instrument landing

which is southerly flying to the north which gets a lower altitude and is more dangerous but a precision approach, to the north is non-precision which keeps aircraft higher until they see the runway and from the east/west they are visual so the zones are even smaller. Those are set by the FAA as a standard in the USA; they did not set those. Additionally, for pattern operations, sometimes they fly east, west, north, south depending on what kind of approach the student (pilot) needs. By law, the student is required to complete several maneuvers in several situations to complete the course.

With regards to master plans, they perform a very detailed master plan every five years and in 2005 they started a new master plan with growth which started National Environmental Protection Act (NEPA) action and found improvements were needed. So they made recommendations to be adopted in their master plan and the City is working on an updated master plan as well. They are already and have been for a year flying 21 aircrafts and 5,600 hours. He further stated they are only a tenant whether or not they are the third largest employer and their lease is good through 2045. They hope to still be in Klamath Falls in 2045 as their goal is to ensure their children and grandchildren still have an Oregon ANG in the future. The chief of the Air Force has stated the failure to protect land surrounding air fields will have negative impacts to future operations. Due to the Base Realignment and Closure (BRAC) and the fact that airplanes are going more by the wayside because of the economy they want to ensure Kingsley Field and the Klamath Falls Airport have everything taken care of. Out of 300 questions in the BRAC they had to answer to Congress, 150 of the questions were environmental. With regards to land use zoning, from the ODA manual, land use zoning is the responsibility and control of land use planners. With the loss of timber payments, and federal money, the ANG is bringing in \$17 million into the economy to the community with \$10 million to a local runway project and that is because the ANG is at the airport. For operations, they are only approximately 30% of take-offs and landings at that airport and they hope to continue to contribute to the economy for the community. He concluded that in the staff report there was an opposition letter and, out of courtesy for the residents and Commissioners, he provided a response (Agenda Item #3 in memo).

**Commissioner Fitz Gerald** stated he took Major McCuiston's comments to mean that from an operational standpoint, the plan does not require they alter or in any way "water down" the training experience. **Major McCuiston** responded in the negative and stated in response to the community they have changed some of their pattern operations and tried to minimize certain ones they can control. They were also looking at the hush house on the south end which is an engine testing facility and they could not move it. It is in the best location it can be but they are looking at acquiring funds to minimize the noise and purchase a second one. He noted they were doing all they can within their operations.

**Commissioner Fitz Gerald** stated the AG has 21 planes and asked if he was informed correctly that it would ordinarily be expected they would ordinarily get 3,100 training

hours a year. **Major McCuiston** responded in the negative and stated they flew 4,800 hours with 18 aircraft and were already flying approximately 5,600 hours with 21. **Commissioner Fitz Gerald** asked if they were getting a lot more than would ordinarily be the case across other facilities. **Major McCuiston** responded in the affirmative and stated that when the Air Force base closes in Panama City, Florida, there is discussion about getting more planes.

**Commissioner Taylor** asked if the noise contours have been verified. **Major McCuiston** responded there were three years of studies and in 2005 they sat with the Airport Manager and his operations staff, the tower, an Air Force specialist, and the FAA and reviewed extensive pattern studies that were performed with take-off and landing counts. The studies were prepared for the EA which is on record at the Klamath County Library. They were all done by FAA standards and an Air Force standard called **ACUS** or noise map studies.

**Mr. Whitlock** stated because the item is Legislative, it is not necessary to swear any witness at any time; rather to identify them for communication purposes.

**Greg Pederson**  
**4441 Southside Bypass**  
**Klamath Falls, Oregon**

**Mr. Pederson** stated his home is 100 feet inside of the 70 decibel level zone (note: property is actually 100 feet east of the 70 decibel level) reflected on the map. He and his wife are appreciative of military service personnel and do not want to do anything that would hinder the ANG from being in Klamath Falls but they are concerned about the noise. As he read through various Criteria, he noticed that page 3, Criterion H states, "The proposed changes would prohibit manufactured homes within all three zones of the Airport Noise Impact Boundary as they cannot be retrofitted or built to reduce the noise levels." He stated he lives in a manufactured home and has for 13 years and he was never told of any noise restrictions. He thought they were moving into the County when they first moved in but found out later they are in the City. The text amendments state they are proposed for safety purposes and that is mentioned in five sections of the document: Criterion D, Criterion N, Criterion P, and on page 6 item 12.600 under Purpose, the third sentence states, "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." The document is acknowledging that there are potential safety issues not only for pilots but for those near the airport for noise and potential crashes and he is "stuck" because his home cannot be retrofitted or fixed or replaced by another manufactured home. His options are to sell it, keep it, tear it down or build a new stick-built house; so he was looking at a condemned home since he and his wife cannot do anything with the home and they

cannot afford to build a new one. He noted they cannot sell it either because of the Code change and the hazard and he could not find anywhere in the proposal that says whether they are allowed to sell their home. He referenced page 16 in the Notes section it states, "All residences in Zone 1 are discouraged and all residences in Zone 2 are strongly discouraged." He stated their home is 100 feet from Zone 2 and they knew of at least two different locations in the country where the government says one can live in their home until they die but when they die the home goes to the government. They did not know what would happen but they purchased the home for retirement and one day they may be able to retire and move to a more fitting area of the community. He asked that the City come up with a way to deal with the manufactured homeowner. He suggested the City purchase his property so his worries would be alleviated. He stated there are some homes in the Runway Approach Zone (west and slightly north of the bypass in the RDZ below the 500 foot line). There are some things that could be done to help. On the north end of the airport runway a huge wall could be installed to divert the sound. He understood the jets cannot take-off with a large wall behind them but if a wall was between the jets and the homes it could help a great deal; but there are only a few options. He further stated once realtors knew about the zoning changes, nobody would purchase his home and they had spent a large amount of money on it that they hoped to recuperate one day. **Mr. Whitlock** assured Mr. Pederson that there are no restrictions on his ability to sell the property. The market may change because of the actions but he could sell it as it is a use that is currently allowed and that use can continue. The finding is that the manufactured home is prohibited because it cannot be retrofitted or built to reduce noise levels and that is not a limitation on his ability to attempt to do so. It is likely to be less successful than if you had a stick-built home.

**Vianne Pederson**  
**4441 Southside Bypass**  
**Klamath Falls, Oregon**

**Mrs. Pederson** stated they purchased the house hoping to use it for a retirement investment that may be difficult for them to obtain. She noted her next door neighborhood had a piece of jet fall in her front yard during the air show which was a concern but she did not know that there are any real answers. She realized they were close to the airport when they bought the home and noted the older planes (F-16) were not as loud when they first moved in.

**Mr. Whitlock** stated the Pederson's had indicated the recommendation regarding manufactured homes being restricted in the proposed area comes from a Federal study from 1980 related to urban noise and land use planning regarding noise control. Therefore, it is not from local bias.

**Tim Amuchastegui**  
**1730 Quail Ridge Drive**

## **Klamath Falls, Oregon**

**Mr. Amuchastegui** asked if the amendment is enacted as recommended, mobile homes would still be allowed or not allowed. **Mr. O'Neill** responded they would be allowed as they are existing and would be grandfathered. **Mr. Amuchastegui** asked if new ones would be allowed. **Mr. O'Neill** responded in the negative. **Mr. Amuchastegui** stated he was of the perception it is a recommendation, but it is not a recommendation. **Mr. Whitlock** responded staff was talking about Mr. Pederson's manufactured home which currently exists and noted he wanted to clarify the misconception that the finding was not a legal possibility just an observation that it is more difficult to do that and new manufactured homes would not be possible. **Mr. Amuchastegui** asked if the Building Code addresses decibel ratings, or was there a law or something that says someone cannot place a manufactured home in an area with a 65 decibel level. **Mr. Whitlock** responded in the negative and stated that is the purpose of the hearing, to create an overlay of restrictions that place restrictions and expectations on structures. **Mr. Amuchastegui** stated the County Building Department grants permits and asked if the City Planning Department was where the "stop" in the planning process would occur with regards to development on a site. **Mr. Whitlock** responded in the affirmative and they would have to have sign off from the City and staff would not allow it if they are trying to place it where it is not appropriate. **Mr. Amuchastegui** asked if their home burned down could it not be replaced. **Mr. Whitlock** responded in the affirmative.

**Mr. Amuchastegui** stated he lives in the City and owns land zoned Commercial on Bristol Avenue that is contiguous to land that is owned by Double-C. He and Double-C have jointly worked with a commercial property development company and had negotiations with both Lowes Home Improvement and Costco for the site. The representatives of Lowes made a recommendation the site be purchased and a store built there then the representative for Lowes decided they would prefer to locate it in another location so they are going to do that. Costco needs generally 14 to 18 acres of land for their stores as a preference. Only the joint site owned by Carsons and Capris Properties, presently zoned commercial, that is zoned the correct size, topography, Washurn Way location, and all utilities are to that site for the store to go there. There is no contract with Costco and he is not representing them but is representing the viability of the site on Bristol. It is currently located in the County; however, to develop the land and have water service he has to annex into the City. He does not object to the whole plan and the general concept of what the plan is attempting to accomplish. He stated he supports the ANG and have enjoyed them being in Klamath Falls and he supports the mission of the Guard. He is concerned about, in declining economic times, the difficulty it is to make something happen. The more expensive and time consuming things become, the less likely they are to happen. In between the time he first talked to Costco and the time they wanted to wait to see the community retail mature more, the economy has changed. There was a tipping point and they made the choice to wait. His land is the only land that he is aware of that meets the criteria they are looking for and he is worried about having a conditional use applied to it. He noted if they applied for a

Conditional Use Permit (CUP) it would be granted; however, he did not know what the process will be in the future and if it can be modified to the point they could not use the property and the opportunity for a large format retailer to come to the community could be lost. There is no requirement they change the structure for sound but it is a requirement for the CUP. Part of the non-precision zone goes through the land and the 65 decibel splits the land. Therefore, they are out of the main area and one-half a mile from WalMart which is developed for similar uses. He sought assurance the CUP process could not stop the potential project from moving forward.

**Mr. Ball** stated the City purposely backed off the hazard zone to 3,000 feet to avoid some public assembly regulations that exist in the County but not in the City. Even though the City requires a CUP the City went out of the way to open up lands in Mr. Amuchastegui's vicinity. He noted the Pederson's have a tough case but it illustrates why the City has to do this. Every 10 years the City performs its own Airport Master Plan but the City never integrated it in with the Land Use Plan. He noted he was unsure if it was sited in the City and the County will continue to site manufactured homes in that area so long as they sign a form that states they will not complain. The Pederson's can continue to live in and improve the home but if it burns down they will have to replace with a stick-built house. **Mr. Whitlock** stated there have been substantial changes to manufactured homes and if the City imposes a sound rating that they can meet the City may not have to impose that. Perhaps there is some middle ground where if it can be built to the same or similar standards of a stick-built home, then there is no reason it can not be placed. **Mr. Ball** stated where noise becomes an issue the FAA funds 150 noise studies and, depending on results, the FAA may makes mitigation funds available and may soundproof with the possibilities mentioned. Major McCuiston, the Airport Manager and he met with the FAA in Seattle and raised the 150 study question and they are adamant that they are not going to fund a 150 study at this time for the City. With respect to the Pederson situation, if a 150 study does get funded by the FAA and noise mitigation occurs, it can be handled. Typically manufactured homes get moved and stick-builts get "beefed up". The next generation of aircraft will be the F22 and Kingsley may be the last one flying the current planes. What happens when the current planes are phased out of inventory, the F22 requires a second runway, if Kingsley Field is considered to fly F22's there would be a major environmental assessment conducted and it would be a new "ball game" in terms of impact, mitigation and where everything goes.

**Mr. O'Neill** stated the suggested manufactured home language seen in Table 6a from the Airport Master Plan, which is currently adopted; states no manufactured homes within certain noise levels as well as the condensed version on page 17 of the packet. Mead & Hunt reviewed the document and suggested leaving it in there. With regards to the Amuchastegui land, the property is in the approach surface however it is beyond the 3,000 foot density line so there are no restrictions on public assembly. The property is within the proposed 65 - 69.99 noise range and it is a "Y" so it is a permitted outright

use and would require a CUP as, according to page 13 of 28 of the staff report, it is under the direct impact area.

**Major McCuiston** stated the chart that establishes the appropriate type of buildings is not something that is randomly developed and is a regulation that is a recommendation to local governments. Additionally, in every NEPA action the ANG has done, Mead & Hunt has that data and it does reference manufactured homes not recommended in anything higher than a 65 decibel level or higher zone.

**Ms. Pederson** stated when they purchased their property they were not asked to sign anything to state they would not pursue litigation and if they had then they would have been more aware and may not have purchased the property.

**Mr. Pederson** referenced his letter and the information on Hikam Air Force base and stated there was an environmental survey regarding take-off and landing operations. At approximately 2,000 feet the decibels are approximately 112.2 and at landing are approximately 83.4. He understood the Day Night Noise Level average (DNL) but it is not the average that bothers them, it is the high levels and he asked if the information is correct to the best of the Major's knowledge. **Major McCuiston** responded he could not verify or not verify Hikam's study as it is a specific study performed by their environmentalist at the Hikam Air Force base. However, they use the standard done in the USA which is to take the DNL and they do not measure a peak location.

**Chairman Smith** closed the public hearing.

**Commissioner Neupert** asked about looking into the issue of having manufactured homes being a permitted use within all three zones if they can be retrofitted, upgraded or built up to acceptable standards. He asked if staff would look into that between now and before the recommendation to City Council. **Mr. O'Neill** responded staff would not recommend it in Zone 3 no matter what. **Mr. Whitlock** concurred with Mr. O'Neill and stated if the Commission was comfortable approving the current proposal and making an accommodation for the existing homes that was acceptable. However, if the Commission would rather staff come back before the Commission at the next meeting or sometime in February with a revised proposal before the Commission makes that decision that is also acceptable. **Commissioner Chase** responded he did not think staff should spend time on that and should proceed as presented. **Mr. Whitlock** stated the question asked is where determination came from for it to be incorporated into the Airport Master Plan that manufactured homes should not be permitted in any of those decibel levels. **Commissioner Chase** stated it was likely from the FAA updated version of the CFRs. He asked how recent the copy the ANG had was. **Major McCuiston** responded it is from the June, 2007 study. **Mr. Whitlock** stated it did not mean they had reconsidered at some point in the past and there is no way of knowing what they had based it on. **Commissioner Chase** stated there was obviously a reference point at some

point in the past and the FAA has already looked at the issue and looks at it with some regularity. He suggested it is not worth staff's time to look at making that change. **Mr. Whitlock** stated he thought the FAA standard from 2007 had not changed from 2007 to 2008 but noted he did not know when that standard was looked at by the FAA. However, he did think it was the current standard used by the FAA. **Commissioner Chase** stated the adoption of changes as proposed would allow the City to help prospective buyers. **Commissioner Neupert** stated there was not a lot of City Residential property and that what would impact would be in terms of future annexations and the ruling against manufactured homes within all zones. **Mr. Ball** stated absent a wholesale consolidation of the entire UGB, it was not an issue. **Commissioner Neupert** hypothesized a complete annexation and asked if the non-remonstrance agreement would apply to the City. **Mr. Ball** responded he had not seen what the County had come up with. **Mr. Whitlock** stated he had not seen what the County proposed either; however, it was generally global so as not to allow for the possibility of any changes and based on that he would expect the non-remonstrance to apply to anybody. **Mr. Ball** stated future buyers are still living in that situation even though the previous owner has moved on.

**Commissioner Fitz Gerald** asked how many planes are in Panama City. **Major McCuiston** responded there are three squadrons with approximately 75-80 airplanes. There is only one squadron remaining of F15's and the other two are F22 squadrons. **Commissioner Fitz Gerald** asked how many could come to Klamath Falls. **Major McCuiston** stated it was a question being asked of Congress currently. Kingsley Field would most likely not see more than 24 assigned aircraft.

**COMMISSIONER CHASE MOVED TO APPROVE THE PROPOSED FINDINGS AS STATED IN THE STAFF REPORT WITH PROPOSED CHANGES.**

**COMMISSIONER FITZ GERALD SECONDED AND THE MOTION CARRIED UNANIMOUSLY.**

**COMMISSIONER CHASE MOVED TO ACCEPT THE FINDINGS.**

**COMMISSIONER TAYLOR SECONDED AND THE MOTION CARRIED UNANIMOUSLY.**

**COMMISSIONER CHASE MOVED TO RECOMMEND APPROVAL OF THE TEXT AMENDMENT TO CITY COUNCIL BASED ON THE ACCEPTED FINDINGS WITH AMENDMENTS.**

**COMMISSIONER TAYLOR SECONDED AND THE MOTION CARRIED UNANIMOUSLY.**

COMMISSIONER FITZ GERALD MOVED CITY COUNCIL GIVE CONSIDERATION TO AND EXAMINE WHAT LAWFUL MITIGATION RESOURCES MIGHT BE DEVELOPED ON BEHALF OF THOSE WHO ARE IN PRE-EXISTING CONDITIONS AND ZONES. IT WAS THE CONSENSUS OF THE COMMISSION TO REQUEST COUNCIL SIMPLY ACKNOWLEDGE THE COMMISSION'S CONCERNS WITH REGARDS TO THE IMPACT TO PRE-EXISTING RESIDENTS. COMMISSIONER FITZ GERALD WITHDREW HIS MOTION WITH THE UNDERSTANDING OF THE CONSENSUS.

**OTHER MATTERS:**

**Planning Manager Erik Nobel** provided the project update on behalf of the Community Development Director which included the following:

- Work Session for Community Development Ordinance (CDO) review - Chapter 12, Monday, January 26<sup>th</sup>.

Design Reviews:

- Marcus Street, where the Klamath Cold Storage building used to be, to convert the building to grow brine shrimp.

Partitions:

- Off of Johnson street.

Conditional Use Permits:

- New Cell tower in the Campus area on Clover Street.

General:

- The City is in the midst of performing an economic study for the City of Klamath Falls and urban area. Part of that study is to conduct population forecasting for Klamath County and that chapter has been written and distributed. Staff is predicting via the study through three different approaches. All of the approaches came in with approximately a 3% difference of about 2,000 overall. Therefore, in 2030 the urban area could anticipate approximately 77,000 to 100,000 people.

**ADJOURNMENT**

**Chairman Smith** asked if there were any other matters and seeing that there were none adjourned the meeting at 9:00 p.m.

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Kristina Fitts

Meetings Assistant