



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



NOTICE OF ADOPTED AMENDMENT

06/24/2013

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 003-13

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 05, 2013

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: Bill Adams, Klamath County
Jon Jinings, DLCD Community Services Specialist
Karen Swirsky, DLCD Regional Representative

<paa> YA



FORM 2

DLCD

Notice of Adoption

☐ In person ☐ electronic ☐ mailed

DEPT OF

JUN 17 2013

LAND CONSERVATION
AND DEVELOPMENT
For Office Use Only

This Form 2 must be mailed to DLCD within **20-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

Jurisdiction: **Klamath County**

Local file number: **CLUP/ZC 2-13**

Date of Adoption: **5/28/2013**

Date Mailed: **6/12/2013**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? ☒ Yes ☐ No Date: 4/4/2013

☐ 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".

Amends section 75.010.A of the Land Development Code to add cisterns, springs, and surface water as additional sources of domestic water for minimum standard. Applies to all unincorporated areas of Klamath County.

Does the Adoption differ from proposal? Please select one

No

Plan Map Changed from:

to:

Zone Map Changed from:

to:

Location:

Acres Involved:

Specify Density: Previous:

New:

Applicable statewide planning goals:

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

35-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. 003-13 (19779) [17491]

DLCD file No. _____

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

Klamath County Health Department, State Water Resources Department

Local Contact: **Bill Adams**

Phone: **(541) 851-3673** Extension:

Address: **305 Main Street**

Fax Number: - -

City: **Klamath Falls**

Zip: **97601-**

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

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 20 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s) per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on light green paper if available.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption (ORS 197.830 to 197.845).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

9. **Need More Copies?** Please print forms on 8½ -1/2x11 green paper only if available. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail plan.amendments@state.or.us.

2013-006243

Klamath County, Oregon



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06/04/2013 09:27:13 AM

Fee: NO FEE

BEFORE THE KLAMATH COUNTY BOARD OF COMMISSIONERS

IN THE MATTER OF FILE NUMBER CLUP/ZC 2-13 FINAL ORDER

WHEREAS, Klamath County Planning Department, hereafter known as the Applicant, requested approval of a Legislative Amendment to the County Land Development Code (LDC); and

WHEREAS, the request is a legislative amendment and applies to all lands within the unincorporated rural area of Klamath County; and

WHEREAS, the Klamath County Planning Department provided proper notice prescribed by law for a public hearing held on May 28, 2013 before the Klamath County Planning Commission and 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 of the Klamath County Land Development Code and Comprehensive Plan; including Oregon State Statute and Administrative Rules; adopted said Findings of Fact as their own; and, forwarded a positive recommendation of Approval to amend section 75.010.A of the Land Development Code as referenced in Planning File CLUP/ZC 2-13 to the Board of County Commissioners; and


WHEREAS, based on testimony entered and consideration of the whole record, including the Planning Commission adopted Findings of Fact identified in the Staff Report, the Board of County Commissioners APPROVED Planning File CLUP/ZC 2-13, adopting amendments to the Land Development Code (LDC), as described in the Staff Report.

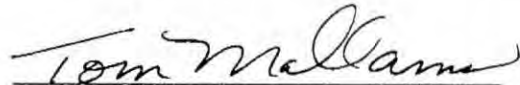
NOW, THEREFORE, THE BOARD OF COMMISSIONERS OF KLAMATH COUNTY ORDERS AS FOLLOWS:

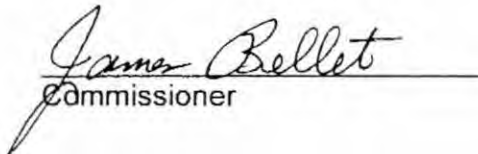
The Klamath County Planning Director shall prepare an Ordinance (Ordinance 45.83) for Board signature amending the Land Development Code to amend section 75.010.A – Water Service, as provided in file CLUP/ZC 2-13 and in staff report for such file.


Dated this 25 day of May, 2013

FOR THE BOARD OF COMMISSIONERS


Chairman


Commissioner


Commissioner


County Counsel
Approved as to form 5/3/2013



00136989201300062440040041

06/04/2013 09:28:13 AM

Fee: NO FEE

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

ORDINANCE 45.83

IN THE MATTER OF AN ORDINANCE AMENDING THE LAND DEVELOPMENT CODE TO ADD STANDARDS TO THE DOMESTIC WATER SUPPLY – MINIMUM STANDARDS FOR RURAL DEVELOPMENT (Section 75.010.A of the Land Development Code)

WHEREAS, the Klamath County Board of Commissioners has the authority to create, amend, modify, or repeal county law or code by Ordinance; and

WHEREAS, the Klamath County Board of Commissioners desires to amend the Land Development Code to amend article 75.010.A Domestic Water Service Standards to foster better planning and development practices; 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 May 28, 2013 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 recommendation of Approval for Planning File CLUP/ZC 2-13 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 May 28, 2013 APPROVED amending the Klamath County Land Development Code by adoption of Ordinance 45.83.

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

SECTION 1

1. The Board takes note that from time to time changes to the Land Development Code are necessary for the benefit of the residents of Klamath County, Oregon.
2. 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 amendments 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.
3. 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 exhibit, attached hereto and incorporated herein by reference, is hereby adopted as follows:

1. Exhibit A, amending Article 75.010.A of the Land Development Code.

SECTION 3

All applications received prior to the effective date of this Ordinance shall be processed in accordance with ORS 215.427 (2011 Edition).

SECTION 4

If any portion of this Ordinance, including the exhibit, 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 5

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 and Land Development Code format.

SECTION 6

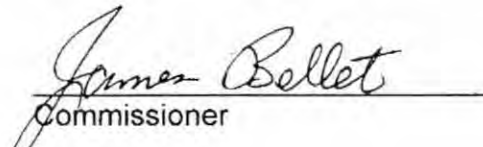
This Ordinance shall take effect thirty (30) days after adoption.

Approved on: May 25th 2013

FOR THE BOARD OF COMMISSIONERS


Chair


Commissioner


Commissioner

 5/30/2013
Reviewed by County Counsel

EXHIBIT A
(Ordinance 45.83)

Amendments to Comprehensive Plan Part III
(LAND DEVELOPMENT CODE)

(Deleted text is shown in ~~strike-through~~ and new text is shown in underline)

75.010 – WATER SERVICE

- A. Development in rural areas may utilize either a central water supply system or an individual or shared water system, such as ~~or individual wells, springs, surface water, or cisterns~~ – at the option of the developer. Any water service must be legal and obtain approval from the appropriate agency, as required by law.
- B.
- C.

h County
g Department
n Street
n Falls, OR 97601



UNITED STATES POSTAGE
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0002004631 JUN 13 2013
MAILED FROM ZIP CODE 97601

DEPT OF

JUN 17 2013

LAND CONSERVATION
AND DEVELOPMENT

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