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**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

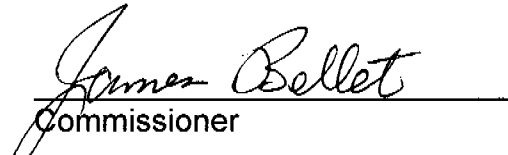
This Ordinance shall take effect thirty (30) days after adoption.

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.