



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

April 16, 2008



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 004-08

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: April 29, 2008

This amendment was submitted to DLCD for review 45 days 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 THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.**

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

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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: **ZC 7-08/CUP 2-08**

Date of Adoption: **4/4/2008**

Date Mailed: **4/8/2008**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: 2/4/08

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".

Applicant would like to add the Geothermal Resource Overlay to the current Exclusive Farm Use zone on the property (Comprehensive Plan Map Geothermal identified property) and apply for a Conditional Use Permit in order to establish a geothermal power plant (approx. 10-meg watt) for public/commercial use.

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

Plan Map Changed from: **None**

to: **None**

Zone Map Changed from: **EFU**

to: **EFU w Geothermal Resource Overlay**

Location: **4000 Lower Lake Rd., Klamath Falls OR 97603**

Acres Involved: **6 970**

Specify Density: Previous: **n/a**

New: **n/a**

Applicable statewide planning goals:

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

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 # 004-08 (16687)

DLCD file No. _____

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

DLCD, Klamath County, DSL/US Army Corp, Dept. of Energy, State Watermaster,
KCFD #1, USBR, Klamath Drainage Dist, Klamath Irrigation District

Local Contact: **Leslie Wilson, Planning Director**

Phone: (541) 883-5121 Extension: 3079

Address: **305 Main St**

Fax Number: 541-883-3644

City: **Klamath Falls**

Zip: **97601-**

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

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.

BEFORE THE KLAMATH COUNTY PLANNING COMMISSION

IN THE MATTER OF FILE NUMBER ZC 7-08/CUP 2-08

FINAL ORDER

WHEREAS, Jeremy MaGrath of Raser Technologies, Inc, applicant and agent for property owner Liskey Farms, Inc, requested approval of an amendment of the KLAMATH COUNTY ZONE MAP to apply the Geothermal Resource Overlay to 485 acres; and; requests approval for a CONDITIONAL USE PERMIT for construction of a 10 Mega Watt commercial utility facility; and;

WHEREAS, the KLAMATH COUNTY ZONE MAP AMENDMENT and CONDITIONAL USE PERMIT would allow the Geothermal Resource Overlay to be placed on the property and would provide for the development of a geothermal power plant; all applicable provisions of the Klamath County Comprehensive Plan and Land Development Code are met; and;

WHEREAS, the proposal would provide a clean, renewable energy source for the purpose of generating power for public sale; and,

WHEREAS, the Klamath County Planning Department provided proper notice of public hearings held before the Klamath County Planning Commission and Board of County Commissioners on March 25, 2008; and,

WHEREAS, the Klamath County Planning Commission concluded the proposed changes are consistent with all requirements and standards of the Klamath County Comprehensive Plan and Land Development Code, and;

WHEREAS, on March 25, 2008, based on testimony entered and consideration of Staff Exhibits 1-21 and Applicant Exhibits 1-15, the Klamath County Planning Commission, upon finding the application is in conformance with Articles 47 and 59.4 of the Klamath County Land Development Code and Comprehensive Plan, recommended approval of File Number ZC 7-08/CUP 2-08; and,

WHEREAS, on March 25, 2008, based on testimony entered and consideration of Staff Exhibits 1-21 and Applicant Exhibits 1-15 and upon a unanimous vote of the Klamath County Planning Commission, the Planning Commission approved the request of File Number ZC 7-08/CUP 2-08, subject to the conditions and stipulations contained in the record of the proceedings.

**NOW, THEREFORE, THE PLANNING COMMISSION OF KLAMATH COUNTY
ORDERS AS FOLLOWS:**

The Klamath County Zone Map Geothermal Resource Overlay is amended to include:

TOWNSHIP 40S., RANGE 09 EWM., SECTIONS 33 & 34. TAX LOTS 200, 300, 400, 6000, 6100; SECTION 35, TAX LOTS 400 & 500; TOWNSHIP 41S., RANGE 09 EWM, SECTION 3, TAX LOT 100 all commonly known as 4000 Lower Lake Road.

The Conditional Use Permit is hereby APPROVED by the Planning Commission subject to:

All Federal and State law, rules, or policy; Klamath County Land Development Code and County Ordinances; Oregon Fire Codes and Appendices; Oregon Building Codes and Appendices; Klamath County Public Works Standards, Policies, and Procedures; and, subject to the following additional Conditions of Approval:

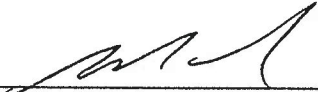
1. The Conditional Use Permit will not be valid until such time as the Zone Change appeal period has lapsed.
2. The Conditional Use Permit approval requires compliance with the Klamath County Land Development Code Article 54, Section 54.100 – Property Development Standards, Article 64, Section 64.060 – Required Screening and Article 68, Section 68.030 - Off-Street Parking Requirements.
3. The Conditional Use Permit approval is limited to the proposed 6-acre site. Future expansion of the subject site will require additional review by the Klamath County Planning Department and may require additional review before the Planning Commission.
4. The Applicant will be responsible for coordination with the Klamath County Tax Assessor's office on the removal of the farm tax deferral.
5. The Applicant shall provide a written statement recognizing the rights of adjacent and nearby landowners to conduct farm or forest operations consistent with accepted farming practices and the Forest Practices Act. This statement must be recorded with the Klamath County Clerk's office and copy of same submitted to the

Klamath County Planning Department prior to development permits being issued.

6. The applicant shall comply with the requirements of any other regulatory agency or provisions of law.

Dated this 4 day of April, 2008

BEFORE THE PLANNING COMMISSION



LESLIE C. WILSON, SECRETARY TO THE PLANNING COMMISSION

NOTICE OF APPEAL RIGHTS

This decision may be appealed to the Klamath County Board of County Commissioners. Notice of intent to appeal a decision rendered under the procedures of the Klamath County Land Development Code shall be filed no later than 7 days following mailing of the final order. Failure to do so in a timely manner may affect your rights. Notice shall be in the form of a signed letter, shall state the name(s) of the party or parties appealing the decision, and must be received by the Planning Department before the close of business on the seventh day. The fee established by the Board of County Commissioners shall accompany the notice of appeal.

KCLDC ARTICLE 33.040 - STATEMENT OF APPEAL

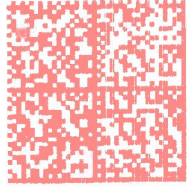
No later than 7 days following the filing of a notice of appeal pursuant to Section 33.030, the appellant shall file with the Planning Department a written statement of grounds for the appeal explaining:

- A. How the Comprehensive Plan, Klamath County Land Development Code, or applicable State law was incorrectly interpreted or applied in the decision; or*
- B. What information in the record of decision was pertinent to the decision, but was not considered by the review body*

For more information, please contact:

**Klamath County Planning Department
Phone 1-541-883-5121 or mail at 305 Main Street, Klamath Falls, Oregon 97601**

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



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04/08/2008

Mailed From 97601

US POSTAGE

DLCD
PLAN AMENDMENT SPECIALIST
635 CAPITOL STREET NE SUITE 150
SALEM OR 97301-2540