



# NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

<b>FOR DLCD USE</b>
File No.: 006-15 {24195}
Received: 4/1/2016

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See OAR 660-018-0040). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use Form 4 for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use Form 5 for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use Form 6 with submittal of an adopted periodic review task.

Jurisdiction: KLAMATH COUNTY

Local file no.: **CLUP 5-15**

Date of adoption: 03/01/2016

Date sent: 04/01/2016

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted): 12/28/2015

No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes  No

If yes, describe how the adoption differs from the proposal:

Local contact (name and title): Mark Gallagher, Planning Director

Phone: 541-851-3668

E-mail: mgallagher@co.klamath.or.us

Street address: 305 Main St.

City: Klamath Falls

Zip: 97601-

### PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

**For a change to comprehensive plan text:**

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

**For a change to a comprehensive plan map:**

Identify the former and new map designations and the area affected:

- Change from Agriculture required for this change. to Agric - Limited Use Overlay 80 acres. A goal exception was
- Change from change. to acres. A goal exception was required for this
- Change from change. to acres. A goal exception was required for this
- Change from change. to acres. A goal exception was required for this change.

Location of affected property (T, R, Sec., TL and address): T3S5, R10E, Sec 34 Tax Lot 3400

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

**If the comprehensive plan map change is a UGB amendment** including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

**If the comprehensive plan map change is an urban reserve amendment** including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

**For a change to the text of an ordinance or code:**

Identify the sections of the ordinance or code that were added or amended by title and number:

**For a change to a zoning map:**

Identify the former and new base zone designations and the area affected:

Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation:	Acres added:	Acres removed:
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Location of affected property (T, R, Sec., TL and address):

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List affected state or federal agencies, local governments and special districts: State Fire Marshall, Klamath County

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

2016-002471  
Klamath County, Oregon



03/07/2016 11:48:13 AM

Fee: NO FEE

**BEFORE THE KLAMATH COUNTY  
BOARD OF COMMISSIONERS**

**IN THE MATTER OF FILE NUMBER CLUP 5-15**

**FINAL ORDER**

WHEREAS, OR Solar 1, LLC (dba Sprague River Solar), applicant, requested approval an exception to Statewide Planning Goal 3 and to apply a Limited Use Overlay designation (Comprehensive Plan Amendment) to an approximately 114 acre property to allow a 10 megawatt solar power generating facility to be located on more than 20 acres of arable land; and granting a Conditional Use Permit.; and

WHEREAS, the subject property is described as Tax Lot 3400 in Section 34 of Township 35 South, Range 10 East Willamette Meridian; and

WHEREAS, the Klamath County Planning Department provided proper notice of a public hearing held on February 23, 2016 before the Klamath County Planning Commission and Board of County Commissioners; and

WHEREAS, the applicant submitted said request for the exception to Statewide Planning Goal 3 and Conditional Use Permit in due form for consideration; and

WHEREAS, based on testimony entered and consideration of the whole record, and making the proposed findings of fact in the application submittal and Staff Report their own and with the proposed Conditions of Approval, the Klamath County Planning Commission concluded the application was in conformance with State Law, Klamath County Land Development Code and Comprehensive Plan, and forwarded a recommendation of Approval for Planning File CLUP 5-15 to the Board of County Commissioners; and

WHEREAS, based on testimony entered and after consideration of the whole record; and, with a recommendation for approval from the Klamath County Planning Commission, the Klamath County Board of Commissioners acting within their authority, accepted the Planning Commission's recommendation, and APPROVED the request of Planning File CLUP 5-15 subject to the following Conditions of Approval.

Conditions of Approval

1. *Prior to operation of the use, clearances must be granted from Planning (LUCS) and the Building Dept. (permits for structural, electrical etc.) if needed.*
2. *Prior to issuance of Planning approval (LUCS) for the use, the owner shall record a restrictive covenant with the deed recognizing the rights of adjacent and nearby landowners to conduct farm and forest operations consistent with accepted farm practices and the Oregon Forest Practices Act. The restrictive covenant need only be effective as long as the CUP remains active and valid. A copy of the recorded covenant shall be provided to the Planning Department.*

3. Prior to issuance of the Planning approval (LUCS), the 80 acre site shall be disqualified from farm tax deferral through the Assessor's Office.
4. Prior to issuance of the Planning approval (LUCS), the project owner shall provide security sufficient for decommissioning costs in the form of a performance bond to ensure the availability of funds to cover such costs. The security bond is to cover removal of equipment and restore the land to its original condition at the end of the project, or project abandonment and for hazard abatement. A decommissioning plan shall be provided to the Planning Dept. prior to issuance of the LUCS. An estimate of the decommissioning costs shall be provided with the bond and may include a salvage and recycling estimate that would reduce the bond amount.
5. Prior to construction, the applicant shall comply with any requirements of the State Fire Marshall.
6. If the perimeter fencing for the solar field is within 50 feet of a public highway or is directly visible from the ground level of a residence that is less than 500 feet from the perimeter fence, the applicant shall plant a 10 foot wide strip of natural vegetation buffer before final permits and activation. The natural buffer should cover at least 50% of the surface area of the fence within 5 years of solar field activation.

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

The Klamath County Planning Director shall draft for adoption by the Board of County Commissioners an ordinance amending the Klamath County Comprehensive Plan - General Land Use Plan Map and Zoning Map to add the Limited Use Overlay to the property shown on attached Exhibit A.

Dated this 1<sup>st</sup> day of March, 2016

**FOR THE BOARD OF COUNTY COMMISSIONERS**

**Out of Office Today**

Chairman

James Bellet  
Commissioner

Tom Mallan  
Commissioner

[Signature]  
County Counsel  
Approved as to form

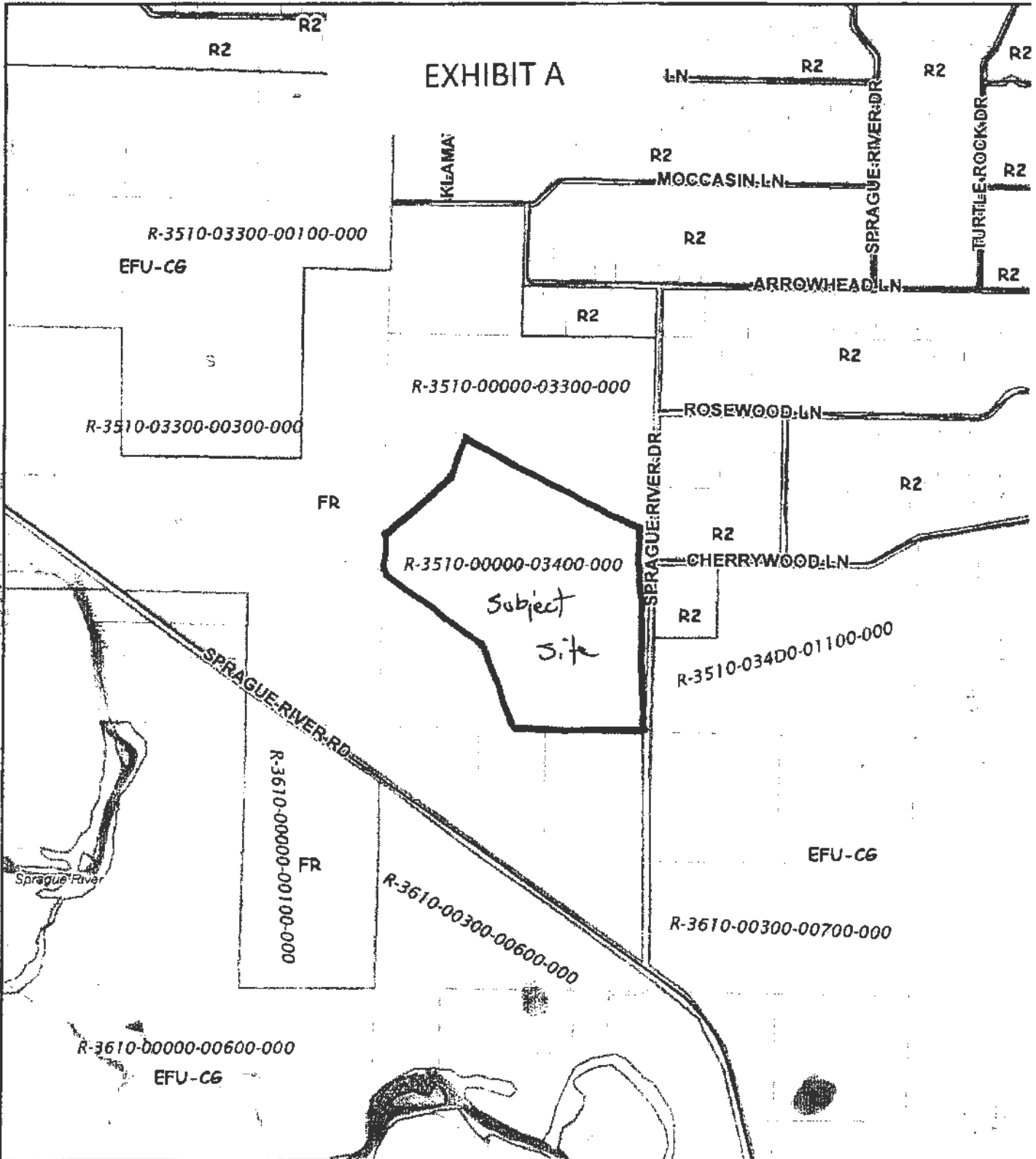
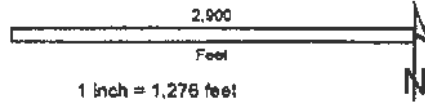


EXHIBIT A

Subject Site

**Klamath County**  
*- Vicinity -*



Date Printed: 12-28-15

This map is for planning purposes only. This map has been prepared for internal use by Klamath County only. Accuracy and completeness is not guaranteed in any other agency, public or private.

### NOTICE OF APPEAL RIGHTS

This decision may be appealed to the Oregon Land Use Board of Appeals (LUBA) within 21 days following the date of the mailing of this order. Contact LUBA for information as how to file this appeal (LUBA by phone 1-503-373-1265 or mail at 550 Capitol Street NE, Suite 235, Salem, Oregon 97301-2552). Failure to do so in a timely manner may affect your rights.

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2016-002470

Klamath County, Oregon



00183442201600024700030039

03/07/2016 11:47:54 AM

Fee: NO FEE

BOARD OF COUNTY COMMISSIONERS

KLAMATH COUNTY, OREGON

IN THE MATTER OF GRANTING )  
AN EXCEPTION TO STATEWIDE )  
PLANNING GOAL 3 AND )  
ADDING THE LIMITED USE )  
OVERLAY TO THE SUBJECT 90 )  
ACRE PROPERTY TO ALLOW A )  
SOLAR POWER GENERATING )  
FACILITY ON MORE THAN 20 )  
ACRES OF ARABLE LAND. )

ORDINANCE 44.106

WHEREAS, the Klamath County Board of Commissioners has the authority and desires to grant an exception to Statewide Planning Goal 3 and add the Limited Use Overlay to the subject property; and

WHEREAS, the Klamath County Planning Department provided written notice of the public hearing as required in KC Land Development Code Article 31; and

WHEREAS, a quasi-judicial public hearing was held on February 23, 2016, and a Staff Report was provided, and public testimony was considered before the Klamath County Planning Commission and Board of County Commissioners; and

WHEREAS, based on testimony entered and in consideration of the whole record, the Klamath County Planning Commission adopted as its own the findings of fact provided in the Application and Staff Report and, with the proposed Conditions of Approval, recommended approval of the exception to Statewide Planning Goal 3 and the addition of an Limited Use Overlay to the subject property to allow the proposed use; and, said recommendation was forwarded to the Klamath County Board of Commissioners; and

WHEREAS, the Klamath County Board of Commissioners voted to approve the Planning Commission recommendation to grant the exception and add the Limited Use Overlay to the subject property; and

NOW, THEREFORE, the Klamath County Board of Commissioners ordains that the exception to Statewide Planning Goal 3 is approved and adding the Limited Use Overlay to the subject property, as shown on the attached map marked as Exhibit "A," and incorporated herein by reference is hereby adopted.

DATED this 18<sup>th</sup> day of March 2016.

FOR THE BOARD OF COMMISSIONERS

Out of Office Today

\_\_\_\_\_  
Chairman

*James Bellet*  
\_\_\_\_\_  
Commissioner

*Tom McLean*  
\_\_\_\_\_  
Commissioner

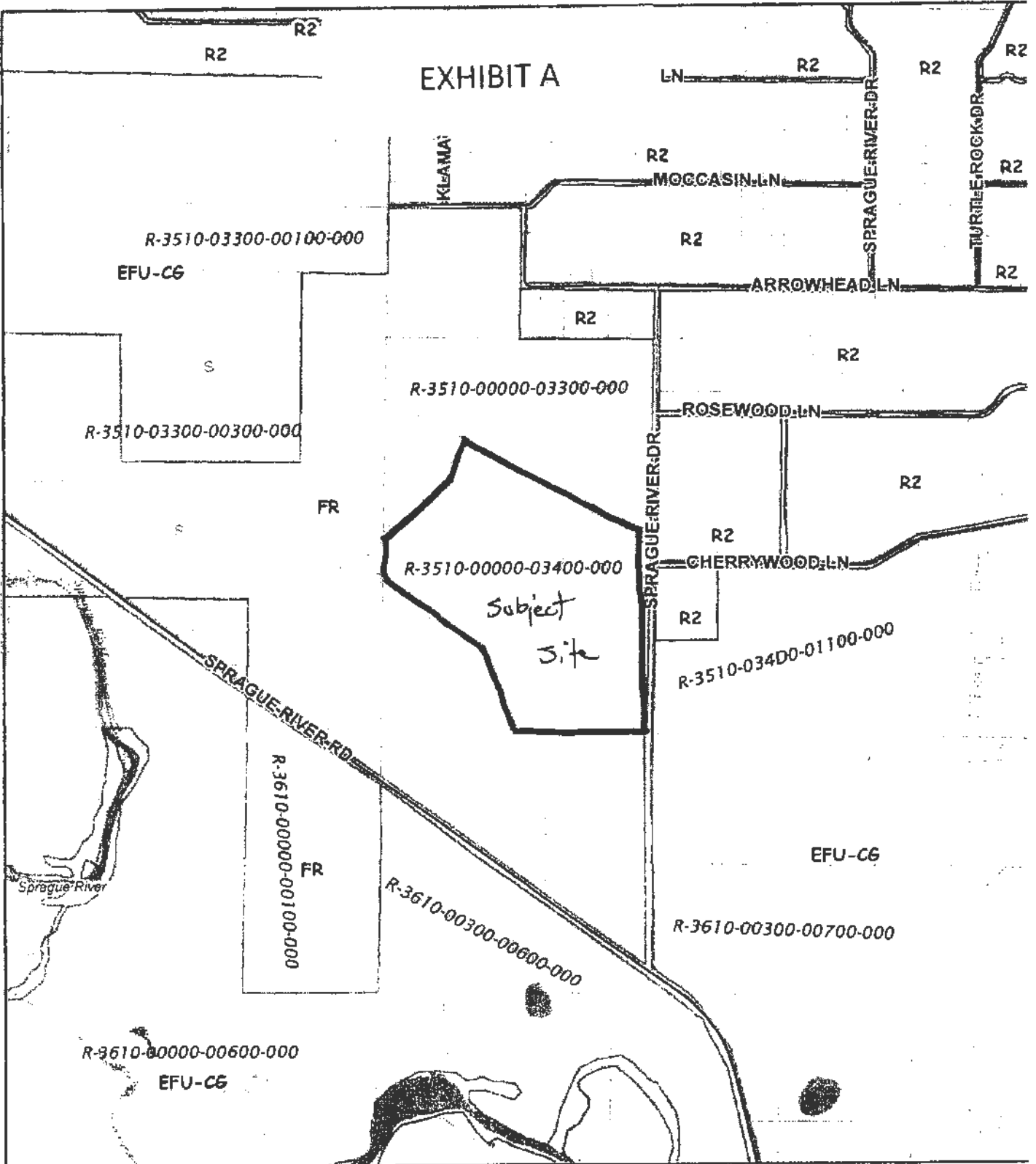
*C.P.G.* 3/1/2016  
\_\_\_\_\_  
County Counsel  
Approved as to form

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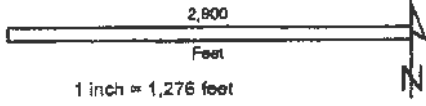


EXHIBIT A



Klamath County

- Vicinity -



Date Printed: 12-28-15

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