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

Date: March 03, 2016
Jurisdiction: Klamath County
Local file no.: CLUP 7-15
DLCD file no.: 004-15

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 02/29/2016. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD 36 days prior to the first evidentiary hearing.

Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A 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 appeals must be served and filed in the form and manner prescribed by LUBA, (OAR chapter 661, division 10).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

DLCD Contact

If you have questions about this notice, please contact DLCD’s Plan Amendment Specialist at 503-934-0017 or plan.amendments@state.or.us
NOTICE OF ADOPTED CHANGE
TO A COMPREHENSIVE PLAN OR
LAND USE REGULATION

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 7-15
Date of adoption: 2/12/16 Date sent: 2/29/2016

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): 12/21/16
No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes
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 change. to acres. A goal exception was required for this change.
Change from change. to acres. A goal exception was required for this change.
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Change from change. to acres. A goal exception was required for this change.

The subject property is entirely within an urban growth boundary.

http://www.oregon.gov/LCD/Pages/forms.aspx -1-
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: Limited Use Overlay Acres added: 80 Acres removed: None
Location of affected property (T, R, Sec., TL and address): T38S, R10E, Sec25, TL 100

List affected state or federal agencies, local governments and special districts: ODOT, BonanzaRFPD, Klamath Tribes, 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.

Final Order and Ordinance

http://www.oregon.gov/LCD/Pages/forms.aspx

Form updated November 1, 2013
BEFORE THE KLAMATH COUNTY
BOARD OF COMMISSIONERS

IN THE MATTER OF FILE NUMBER CLUP 7-15

WHEREAS, OR Solar 8, LLC applicants, requested approval of an exception to Statewide Planning Goal 3 and to apply a Limited Use Overlay designation to approximately 80 acres of the 160 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 100 in Section 25 of Township 38 South, Range 10 East Willamette Meridian; and

WHEREAS, the Klamath County Planning Department provided proper notice of a public hearing held on January 26, 2016 before the Klamath County Planning Commission and Board of County Commissioners; and

WHEREAS, the applicant submitted said request for the proposed actions 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, 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 7-15 to the Board of County Commissioners with the addition of Condition No. 6; and

WHEREAS, based on testimony entered and after consideration of the whole record; and, with a recommendation from the Klamath County Planning Commission, the Klamath County Board of Commissioners acting within their authority, accepted the Planning Commission’s recommendation, and APPROVED Planning File CLUP 7-15 with the following 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 (L UCS), the approximately 80 acre portion of the site shall be disqualified from farm tax deferral through the Assessor's Office.

4. Prior to solar project construction, a certified anthropologist, with a degree, shall conduct a Phase 1 cultural survey on the site and contact the State Historic Preservation Office to verify any cultural records or sites in the area. A certified cultural monitor shall be present, to the satisfaction of the Klamath Tribes, while all ground disturbing activities are taking place.

5. Comply with any requirements of the Bonanza Rural Fire Protection District.

6. Prior to issuance of the Planning approval (L UCS), 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 L UCS. 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.

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 granting the exception to Statewide Planning Goal 3 and adding the Limited Use Overlay to the subject property as shown on attached Exhibit A.

Dated this 12 day of February, 2016

FOR THE BOARD OF COMMISSIONERS

[Signatures]
Chairman
Commissioner
County Counsel
Approved as to form

Not Present
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 80
ACRE PROPERTY TO ALLOW A
SOLAR POWER GENERATING
FACILITY ON MORE THAN 20
ACRES OF ARABLE LAND.

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 January 26, 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 recommended approval of the exception to
Statewide Planning Goal 3 and the addition of the 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 12 day of February, 2016.
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 by mail at 550 Capitol Street NE, Suite 235, Salem Oregon 97301-2552). Failure to do so in a timely manner may affect your rights.