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Fee: NO FEE

BEFORE THE KLAMATH COUNTY BOARD OF COMMISSIONERS

IN THE MATTER OF FILE NUMBER CLUP 6-15**FINAL ORDER**

WHEREAS, OR Solar 3, LLC applicants, requested approval of an exception to Statewide Planning Goal 3 and to apply a Limited Use Overlay designation to the approximately 78 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 900 in Section 9 of Township 41 South, Range 12 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 6-15 to the Board of County Commissioners with the addition of a requirement for a decommissioning bond; 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 6-15 with the following being requirements prior to issuance of the Planning Land Use Compatibility Statement (LUCS) for the facility.

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 78 acre site shall be disqualified from farm tax deferral through the Assessor's Office.
4. Comply with any requirements of the Malin Rural Fire Protection District.
5. 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.

**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 Feb, 2016

FOR THE BOARD OF COMMISSIONERS


Chairman


Commissioner

Not Present

Commissioner

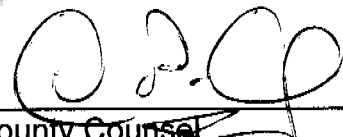

County Counsel
Approved as to form

EXHIBIT A

FILE # CLUP 6-15

EFU-C

MICKA RD

EFU-C

NR

EFU-C

Subject Site
Limited Use Overlay to
apply to this Property.

DE MERRITT RD

EFU-C

EFU-C

EFU-C

MCCULLEY RD

HIGHWAY 50

MAIN ST

S CG

SC

R

Malin

ES

3RD ST

4TH ST

5TH ST

6TH ST

7TH ST

8TH ST

9TH ST

10TH ST

Klamath County

-Vicinity-

2,200

Feet

1 inch = 967 feet



Date Printed: 12-21-15

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 to any other agency, public or private.