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Fee: NO FEE

BEFORE THE KLAMATH COUNTY BOARD OF COMMISSIONERS

IN THE MATTER OF FILE NUMBER CLUP 7-15**FINAL ORDER**

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.

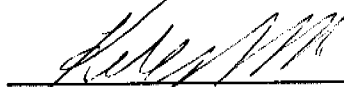
3. Prior to issuance of the Planning approval (LUCS), the approximately 80 acre portion of the site shall be disqualified from farm tax deferral through the Assessor's Office.
4. Prior to solar project construction, a certified anthropologist, with a degree, shall conduct a Phase 1 cultural survey on 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 (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 February, 2016

FOR THE BOARD OF COMMISSIONERS


Chairman


Commissioner

Not Present

Commissioner

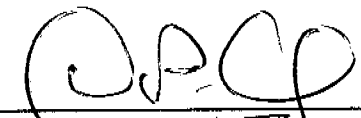

County Counsel
Approved as to form

EXHIBIT A

FILE # CLUP 7-15

EFU-CG

Limited Use
Overlay to be Applied

MITCHELL RD

FR

EFU-CG

Solar
Project
Site

SWAN LAKE RD

HIGHWAY 140 E

EFU-CG

FR

N

N

N

EFU-CG

FR

Klamath County

-Vicinity -

3,100

Feet

1 inch = 1,350 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.