



**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 50 )  
ACRE PORTION OF THE 67 )  
ACRE PROPERTY TO ALLOW A )  
SOLAR POWER GENERATING )  
FACILITY ON MORE THAN 20 )  
ACRES OF ARABLE LAND. )**

**ORDINANCE 44.109**

**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 scheduled for January 27, 2016 and was carried over until 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 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 11<sup>th</sup> day of October, 2016.

**FOR THE BOARD OF COMMISSIONERS**

Kelly M  
Chair

Tom Mallam  
Commissioner

James Bollet  
Commissioner

OPP 10/12/2016  
County Counsel  
Approved as to form

**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.

EFU-C

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ANDERSON RD.

ORD 44, 109  
File No. CLUP/ZC 8-15

EFU-C

EXHIBIT A

EFU

10200-00200-000

R-4110-00200-00100-000  
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R-4110-00200-00300-000  
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R-4110-00200-00400-000  
HIGHWAY 39

Subject site  
EFU-C

R-4110-00200-01100-000

R4110-00200-01400-000

Lost River

EFU-C

PR13-0022 - Type I 01-13

R-4110-00200-00800-000

S CT

S R5

S CT

Merrill S-R

S C

W-3RD ST

Merrill ES

W-2ND ST

S R5

PR13-0022 - Type I 01-13

W-1ST ST

W-1ST ST

EFU-C

S  
CN

Klamath County

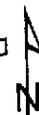
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1,300



Feet

1 inch = 600 feet



Date Printed: 12-28-15

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