



BEFORE THE KLAMATH COUNTY BOARD OF COMMISSIONERS

IN THE MATTER OF FILE NUMBERS CLUP 3-19 & CUP 7-19

FINAL ORDER

WHEREAS, Spring Butte Rock LLC, applicant, requested approval to add a new aggregate mining site to the Goal 5 (Significant Resources) Inventory on 640 acres of a 12,643 acre parcel and be granted Conditional Use Permit approval; and

WHEREAS, the subject property is described as Tax Lot 200 in Section 6 of Township 23 South, Range 11 East Willamette Meridian; and

WHEREAS, the Klamath County Planning Department provided proper notice of a public hearing held on January 28, 2020 before the Klamath County Planning Commission and Board of County Commissioners; and

WHEREAS, the applicant submitted said request for the Comprehensive Plan Amendment and Conditional Use Permit in due form for consideration; and

WHEREAS, based on testimony entered and consideration of the whole record, and taking the responses to each criterion in the Burden of Proof Statements as Findings of Fact in the application submittal and making the Findings in the 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 3-19 and CUP 7-19 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 3-19 and CUP 7-19 subject to the following Conditions of Approval.

Conditions of Approval

- 1) Prior to starting mining operations, the applicant shall provide documentation regarding access to the site from the US Bureau of Land Management, for use of Bureau Land Management Road and an access permit from ODOT from Hwy. 31.
- 2) Show all easements. Create easement for access utilities, irrigation, drainage and etc. where needed
- 3) ODOT Access permit must be provided for proof of access off Highway.


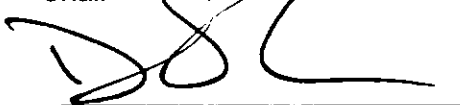
- 4) The applicant shall obtain an Operating Permit from the Oregon Department of Geology and Mineral Industries.

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

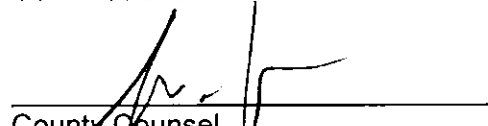
The Klamath County Planning Director shall draft for adoption by the Board of County Commissioners an ordinance amending the Klamath County Comprehensive Plan to add the property shown on attached Exhibit A to the Goal 5 Inventory and the Significant Resources Overlay of the official Zoning Map.

Dated this 11th day of February, 2020

FOR THE BOARD OF COUNTY COMMISSIONERS


Chair

Commissioner

Out of Office Today

Commissioner


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 mail at 550 Capitol Street NE, Suite 235, Salem, Oregon 97301-2552). Failure to do so in a timely manner may affect your rights.

Exhibit A

