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BOARD OF COUNTY COMMISSIONERS KLAMATH COUNTY, OREGON

IN THE MATTER OF APPROVAL)	
OF AN EXCEPTION TO THE)	
STATEWIDE FORESTRY GOAL)	ORDINANCE 44.160
(GOAL 4) AND THE)	
ESTABLISHMENT OF A)	
LIMITED USE OVERLAY TO)	
ALLOW A WASTEWATER)	
TREATMENT FACILITY,)	
LAGOON STORAGE OF)	
EFFLUENT AND LAND)	
APPLICATION OF EFFLUENT)	
ON A 211 ACRE PARCEL.)	

WHEREAS, the Klamath County Board of Commissioners has the authority and desires to grant an exception to the Statewide Forestry Goal and to establish a limited use overlay to allow a wastewater treatment facility, lagoon storage of effluent and land application of effluent; and

WHEREAS, the subject property is described as Tax Lot 100 in Section 28 and Tax Lot 700 in Section 29 of Township 34 South, Range 07 East Willamette Meridian; and

WHEREAS, A quasi-judicial public hearing was held of April 28, 2020, 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 accepted the Applicant's responses to each criterion provided in the Burden of Proof Statements as Findings of Fact and with the Findings in the Staff Report recommended approval to grant an exception to the Statewide Forestry Goal and establishment of a limited use overlay to allow a wastewater treatment facility, lagoon storage of effluent and land application of effluent 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's recommendation to grant an exception to the Statewide Forestry Goal and establishment of a limited use overlay to allow a wastewater treatment facility, lagoon storage of effluent and land application of effluent; and

WHEREAS, the Klamath County Board of Commissioner held on remand from LUBA, a quasi-judicial public hearing on May 11, 2021, and a staff report was provided and additional public testimony and evidence was considered, and the public hearing was closed with the written record remaining open until June 15, 2021, and

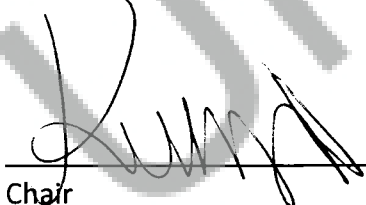
WHEREAS, the Klamath County Board of Commissioners deliberated on the evidence in the written record on June 22, 2021, and voted to reaffirm and approve the exception to the Statewide Forestry Goal and establishment of a limited use overlay to allow a waste water treatment facility, lagoon storage of effluent and the land application of effluent; and

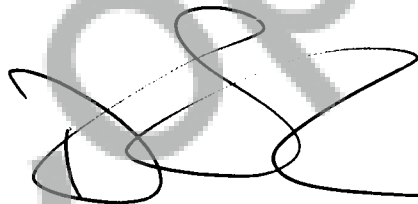
NOW, THEREFORE, the Klamath County Board of Commissioners ordains that the Amendments to the adopted Klamath County Comprehensive Plan and Zoning Map which are attached hereto, marked as Exhibit "A," and incorporated herein by reference are hereby adopted.

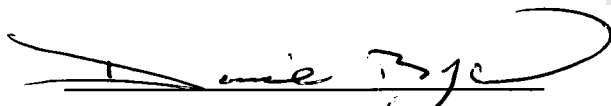
1. ***The Klamath County Comprehensive Plan – General Land Use Plan Map and Zoning Map are amended to reflect the exception to the Statewide Forestry Goal and establishment of a limited use overlay to allow a wastewater treatment facility, lagoon storage of effluent and land application of effluent as proposed in File No. CLUP 3-20 and File No. CUP 5-20.***

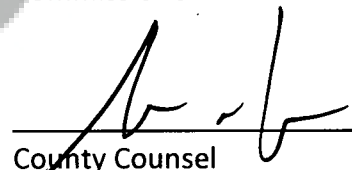
DATED this 17 day of September 2021.

FOR THE BOARD OF COMMISSIONERS


Chair


Commissioner


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 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.

EXHIBIT A

Conditions of Approval by the Klamath County Board of Commissioners

- 1) Prior to permits, the City of Chiloquin shall provide evidence of an Ordinance that prohibits any lands outside of their UGB or unincorporated community boundary to be served with the urban sewer system and mainline, consistent with OAR 660-011-0060.
- 2) The Klamath County Board of Commissioners, stipulates that no rural properties located outside of the Chiloquin UGB or unincorporated community boundary will be served with sewer service from this urban sewer system and transport mainline.
- 3) Prior to and during construction operations, if any cultural or archaeological artifacts are found, the applicant will cease activities and report to the Klamath Tribes for evaluation.
- 4) Prior to operations on the subject property, the City of Chiloquin shall designate a contact person within City Hall for any neighboring property owner to report of any new nuisance that may arise outside of the required/scheduled monitoring of the Wastewater Treatment Facility and operations.
- 5) Prior to operations on the subject property, the City of Chiloquin shall complete all recommended Elk Habitat mitigation measures made by Rabe Consulting and as reviewed, inspected and approved by ODFW.
- 6) Prior to operations on the subject property, the City of Chiloquin shall obtain any license, permit or other required approvals from the Oregon DEQ.
- 7) Prior to operations on the subject property, the City of Chiloquin shall plant sufficient amount of conifer trees, as recommended by a professional forester for the carrying capacity of the soils present, adjacent to and within 100-feet of Highway 422 for screening purposes.