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Vol. 74 Page

15162

BOARD OF COUNTY COMMISSIONERS  
In and For the County of Klamath, State of Oregon

IN THE MATTER OF THE )  
APPLICATION FOR ZONE )  
CHANGE NO. 74-36 BY )  
PACIFIC POWER AND LIGHT )  
COMPANY )

## O R D E R

This matter having come on for hearing upon the application of PACIFIC POWER AND LIGHT COMPANY, said change application being numbered Zone Change 74-36 and said application having been heretofore recommended from RA (Residential Agriculture) to C-5 (Commercial Highway) by the Klamath County Planning Commission, a description of the real property referred to in said application is attached hereto marked Exhibit A and incorporated by reference herein, and a public hearing on said application having been regularly held on October 7, 1974, before the Board of Commissioners, and it appearing to said Board of Commissioners from the testimony, reports and information produced at said hearing by the employees of the applicant, the Planning Commission and the Planning Department, that the application should be granted, the Board of Commissioners makes the following findings as required by Ordinance No. 17, the same being the Klamath County Zoning Ordinance:

1. The applicant is acquiring a parcel of property which is adjacent to Oregon Highway 140 and is .35 of an acre, with .65 of an acre of the property currently zoned C-5. The remaining .20 of an acre is outside the C-5 zone, but is adjacent to it, and is the property described herein.
2. The applicant requires the property for the purpose of constructing a low profile electric power substation. Two power transmission lines converge at the subject property. From a power distribution standpoint and from an aesthetic standpoint, this location would require a lesser amount of

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construction of transmission lines than any other.

3. It is not possible to construct such a substation on the .65 acre that is already in the C-5 zone.

4. There is residential development immediately adjacent to the north of the subject property, a subdivision one-quarter of a mile to the east of the property and a large quantity of the land in the area that is presently zoned for residential development, but not yet developed. The applicant plans to serve the residential property in this area through proposed substations.

5. The substation will be screened by a fence with redwood slats. Eventually the area outside of the fence would be landscaped as the area develops residentially.

6. There are three homes within a 200-foot area of the substation site. Three of these houses are located in the C-5 zone. The Oregon State Highway Commission is committed to widening Highway 140 at that point and all three homes will be purchased or condemned by the Oregon State Highway Commission, and be removed or torn down, as the proposed highway right-of-way line goes through the middle of the houses. The noise level will be minimal and will not be disturbing to residences in the area. The applicant's employees provided specific testimony that there is adequate access for the construction and future maintenance of the substation.

Based upon the above findings of fact, the Board reaches the following conclusions of law:

1. The witnesses for applicant and the Planning Director have provided specific testimony and exhibits showing that a public need for the zone change exists and that the property herein described is best suited to meet the foregoing public need.

2. The property affected by the change of zone when added to the parcel that is currently zoned C-5 will be

ORDER, PAGE TWO

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15164

adequate in size and shape to serve as a site for a low profile power substation.

3. The property affected by the proposed change of zone is properly related to existing power lines and surrounding areas of residential development to adequately serve the projected needs of the area for electric power.

4. The proposed change of zone will have no adverse effect upon any property or the permitted uses thereof within a 700-foot radius, including highway and rights-of-way as was evidenced by the lack of adverse testimony from adjacent property owners.

5. The proposed change of zone is in keeping with any land use plans duly adopted and does in effect represent the highest, best and most appropriate use of the land affected.

6. The application is consistent with the Klamath County adopted Comprehensive Land Use Plan maps and text.

NOW, THEREFORE, IT IS HEREBY ORDERED that the application of PACIFIC POWER AND LIGHT COMPANY for a change of zone from RA (Residential Agriculture) to C-5 (Commercial Highway) zone, a particular description of the real property referred to in said application being attached hereto marked Exhibit A and incorporated by reference herein, said change of zone application being numbered Zone Change No. 74-36 is hereby approved.

DONE AND DATED this 25th day of November, 1974.

*Barbara Williams*  
Chairman of the Board

County Commissioner

*Lois Galt*  
County Commissioner

Approved as to form

*Robert D. Brown*  
County Legal Counsel

ORDER, PAGE THREE

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15165

EXHIBIT A  
LEGAL DESCRIPTION  
ZONE CHANGE 74-36

A parcel of land generally located 250 feet west of the west side of the Merrill-Malin Highway, approximately 1100 feet south of Keller Road, containing .8 acres, and more particularly described as follows:

The westerly 39 feet of the following described parcel of land:

A tract of land situated in the NE $\frac{1}{4}$  of section 13, T39S, R9EWM, Klamath County, Oregon, more particularly described as follows: Beginning at a 5/8 inch iron pin on the southerly line of D.V. 211, Page 51, as recorded in the Klamath County deed records, said point being S00 12'57"W 1059.29 feet and S72 58'03"W 271.12 feet from the NE Corner of said section 13; thence S00 11'43"W 273.35 feet to a 5/8 inch iron pin; thence N89 48'17"W 150.00 feet to a 5/8 inch iron pin; thence N00 11'43"E 226.84 feet to a 5/8 inch iron pin on the southerly line of said D.V. 244, Page 51; thence N72 58'03"E 157.05 feet to the point of beginning, with the bearings of the above described tract based on recorded Survey No. 1751.

STATE OF OREGON; COUNTY OF KLAMATH; ss.

Filed for record at request of KLAMATH COUNTY BOARD OF COMMISSIONERS  
this 26th day of NOVEMBER A.D. 1974 at 12:30 o'clock P.M., and  
duly recorded in Vol. 44-74, of DEEDS on Page 15162

NO FEE

Wm. D. MILNE, County Clerk

By Hazel Dray

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