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BOARD OF COUNTY COMMISSIONERS

In and for the County of Klamath, State of Oregon

In the Matter of the Compre-)
 hensive Land Use Plan associated)
 with 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 74-36, and the Comprehensive Land Use Plan South Suburban Area Sheet 1, and said application having been heretofore recommended to be changed from Agricultural to General Commercial designation, by the Klamath County Planning Commission. The description of the real property referred to in said application is attached hereto marked Exhibit "A" and incorporated by reference herein. A public hearing on the application having been regularly held on October 7, 1974, at 2:00 P.M. before the Klamath County Board of Commissioners and it appearing to the Board of Commissioners from the testimony, reports and information produced at the hearing by the employees of the applicant, the Planning Commission and the Planning Department that the Comprehensive Land Use Plan should be so changed. The Board of Commissioners make the following findings of fact:

1. The applicant is acquiring a parcel of property which is adjacent to Oregon Highway 140 and is .85 of an acre. .65 of an acre of the property is 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.

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2. The applicant requires the property for the purpose of construction of 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 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

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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 makes 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 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 use 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, and
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 Map and Text.

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NOW, THEREFORE, IT IS HEREBY ORDERED that the Comprehensive Land Use Plan change associated with the application for Zone Change 74-36 involving the map designated south Suburban Area Sheet No. 1, the application for said land use change be from Agricultural to General Commercial designation a particular description of the property referred to in said application being attached hereto marked Exhibit "A" and incorporated by reference herein, be and the same hereby is approved.

DONE and DATED this 24th day of October, 1974.

Bryan Williams

Lloyd Galt

Approved as to Form:

Robert Brown
County Counsel

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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, R9E W, Klamath County, Oregon, more particularly described as follows: Beginning at a 5/8 inch iron pin on the southerly line of D.V. 244, Page 51, as recorded in the Klamath County deed records, said point being S00 12°57'W 1059.29 feet and S72°53'03"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°53'03"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 Equalizers

this 26th day of November A.D. 1974 at 12:30 P.M. and

duly recorded in Vol. 44-74 of DEEDS on Page 15166

NO FEE

Wm D. Milne, County Clerk

By Hazel Drazil

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