

BEFORE THE HEARINGS OFFICER

71830

KLAMATH COUNTY, OREGON

Vol. 79 Page 18548

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2
3 In the Matter of Request for)
4 Conditional Use Permit No. 79-)
5 16 for Applicant, Pacific Power))
6 and Light))
7))

KLAMATH COUNTY PLANNING
FINDINGS OF FACT AND ORDER

8 A Hearing was held in this matter at Klamath Falls,
9 Oregon, on July 9, 1979, pursuant to notice given in conformity
10 with Ordinance No. 35, Klamath County, before the Klamath County
11 Hearings Officer, Jim Spindor. The applicant was represented by
12 H. F. Smith, The Klamath County Planning Department was represent-
13 ed by Carl Shuck. The Hearings Reporter was Barbara Thomson.

14 Evidence was presented on behalf of the Department and
15 on behalf of the applicant. There were two people present who
16 were in opposition to the Conditional Use Permit requested by the
17 applicant.

18 The following exhibits were offered, received and made
19 a part of the record:

20 Klamath County Exhibit A, the Staff Report

21 Klamath County Exhibit B, legal

22 Klamath County Exhibit C, Assessor's Maps

23 Klamath County Exhibit D, Applicant's Maps

24 The Hearing was then closed, and based upon the evi-
25 dence submitted at the hearing, the Hearings Officer made the
26 following Findings of Fact:

27 FINDINGS OF FACT:

28 1. Under ORS 469.400(5), Klamath County has no choice

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1 but to grant this Conditional Use Permit. Klamath County has
2 jurisdiction to issue said permit under ORS 469.400(5), which
3 gives Counties permission to exercise enforcement authority over
4 such permits.

5 2. The granting of this Conditional Use Permit is
6 conditioned upon the applicant complying with all those conditions
7 set forth in the Site Certificate which has been issued with
8 regard to the placement of the power line. The granting of this
9 Conditional Use Permit is further conditioned on the applicant
10 delivering a certified copy of said Site Certificate to the
11 Klamath County Planning Department within fifteen (15) days from
12 the date of this Order.

13 The Hearings Officer, based on the foregoing Findings
14 of Fact, accordingly orders as follows:

15 That real property described as the
16

17 "real property beginning at a point on the west
18 line of Section 31, Township 39, Range 5, and
19 proceeding through Sections 31, 32, 33, 34, 35,
20 and 36 of said township and range; continuing
21 through Sections 31, 32, 33, 34, 35, and 36 of
22 Township 39, Range 6, and through Sections 1 and
23 2 of Township 40, Range 6; thence running through
24 Section 6 of Township 40, Range 7, and through
25 Sections 31, 32, 33, 34, and 23, 24, 26, and 27
26 of Township 39, Range 7; and continuing through
27 Sections 19, 20, 17, and 16 to a point on the
28 centerline of said Section 16.

29 Beginning in Section 20, Township 41, Range 13, and
30 continuing through Sections 20, 17, 8, 7 and 6 of
31 said township and range; thence running through Section
32 1 of Township 41, Range 12; continuing through
33 Sections 36, 35, 26, 27, 28, 29 and 30 of Township
34 40, Range 12, proceeding through Sections 24, 23,
35 22, 21, 28, 29 and 30 of Township 40, Range 11;
36 and through Sections 25 and 26 of Township 40,
37 Range 10, terminating at a point just past the
38 north-south centerline of Section 26 of said
39 Township and Range, with first application for
40 Conditional Use Permit being from the Jackson

Klamath County line running in an easterly direction to the half-way point of Section 16, Township 39, Range 8, and starting from Malin Substation running westerly to the point of Section 26, Township 30, Range 10.

is hereby granted a Conditional Use Permit in accordance with the terms of the Klamath County Zoning Ordinance No. 35, and, henceforth, will be allowed placement of the 500 KV line on subject property.

Entered at Klamath Falls, Oregon, this 2nd day of August, 1979.

KLAMATH COUNTY HEARINGS DIVISION

By [Signature]
Hearings Officer

STATE OF OREGON; COUNTY OF KLAMATH; ss.

Sited for record at request of _____

this 3 day of AUGUST A. D. 1979 at 3:18 o'clock P. M., and

fully recorded in Vol. M79, of DEEDS on Page 18548

Wm. D. MILNE, County Clerk

By [Signature]

Commissioner's Journal

NO FEE