

78667

BEFORE THE HEARINGS OFFICER

Vol. 79 Page 29645

KLAMATH COUNTY, OREGON

In the Matter of Request for )  
Conditional Use Permit No. 79-33 ) Klamath County Planning  
for Pacific Power & Light, Applicant) FINDINGS OF FACT AND ORDER

A hearing was held in this matter at Klamath Falls, Oregon, on November 14, 1979, pursuant to notice given in conformity with Ordinance No. 35, Klamath County, before the Klamath County Hearings Officer, Jim Spindor. The applicant was present and represented by H. F. Smith, Attorney at Law. The Klamath County Planning Department was represented by Jonathan Chudnoff. The Hearings Reporter was Barbara Thomson.

Evidence was presented on behalf of the Department and on behalf of the applicant. There were no adjacent property owners present who stated they had objections to the proposed Conditional Use Permit requested by the applicant.

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

Klamath County Exhibit A, Staff Report

Klamath County Exhibit B, legal description

Klamath County Exhibit C, Assessor's Map

Klamath County Exhibit D, Map of power line route

Applicant's Exhibit No. 1., Ortho-photo maps of power line route

Applicant's Exhibit No. 2, Energy Facility Site Certificate

The hearing was then closed, and based upon the evidence

1 submitted at the hearing, the Hearings Officer made the following  
2 Findings of Fact:

3 FINDINGS OF FACT:

4 1. Under ORS 469.400(5) Klamath County has no  
5 choice but to grant this Conditional Use Permit. Klamath County  
6 has jurisdiction to issue said permit under ORS 469.400(5), which  
7 gives counties permission to exercise enforcement over such permits.

8 2. The granting of this permit is conditioned upon the  
9 applicant complying with all those conditions set forth in the Site  
10 Certificate which has been issued with regard to the placement of  
11 the power line.

12 3. The granting of this permit is further conditioned  
13 on the applicant delivering a certified copy of said Site Certi-  
14 ficate to the Klamath County Planning Department within 15 days  
15 from the date of this Order.

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

18 That real property described as

19 "Beginning in Section 17 of Township 41, Range 13,  
20 at the Malin Sub-station in Klamath County, Oregon;  
21 thence proceeding in a northwesterly direction through  
22 Sections 8, 5, and 6 of said Township and Range; thence  
23 continuing through Sections 30 and 31 of Township 40,  
24 Range 13; and in a northwesterly direction through  
25 Sections 25, 24, 13, 11, and 2 of Township 40, Range  
26 12; thence from a point near the centerline of Section  
27 2, Township 40, Range 12, the line extends northerly  
28 through Section 35 and a southerly portion of Section  
26 of Township 39, Range 11; thence proceeding in a  
northeasterly direction through Sections 26, 23, 14,  
13, 12, and 1 of said Township 39, Range 11; thence  
continuing through the easterly portion of Section 36  
of Township 38, Range 11 in a northeasterly direction;  
and continuing in a northeasterly direction through  
Sections 31, 30, 19, 18, 17, 8, 5, 4 of Township 38,  
Range 12; thence again northeasterly through Sections  
33, 26, 21, 22, 15, 10, 11 and 2 of Township 37, Range

12; thence northeasterly through Sections 35, 26, 25, 24, and 13, of Township 36, Range 12; and continuing through Sections 18, 17, and 6 of Township 36, Range 13; running thence northeasterly through Sections 29, 20, 17, 16, 9, 4, and 3 of Township 35, Range 13; and continuing through Sections 34, 27, 22, 15, 10, 3, and 2 of Township 34, Range 13; thence northeasterly through Section 35 and the southerly portion of Section 26 of Township 33, Range 13; thence from near the center of said Section 26 the line turns northeasterly again through Sections 23, 24, 13, of said Township and Range; and finally running northeasterly out of Klamath County through Sections 18, 7, 8, 5, and 4 of Township 33, Range 14.

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 26<sup>th</sup> day of

December, 1979.

KLAMATH COUNTY HEARINGS OFFICER

BY D. J. Milne  
Hearings Officer

STATE OF OREGON; COUNTY OF KLAMATH; ss.

Filed for record at request of Klamath County  
on 27th day of December A. D. 1979 at 11:50 o'clock A. M., and  
file recorded in Vol. 1079, of Deeds on Page 29645

Wm D. MILNE, County Clerk

By [Signature]

No Fee