

BEFORE THE HEARINGS OFFICER OF KLAMATH COUNTY, OREGON

In the Matter of the Request for a Conditional Use)

Permit by:

PacificCorp.

) ORDER

) CASE NUMBER CUP 39-98

1. NATURE OF THE REQUEST

The applicant, PACIFICORP has applied for a permit to build a 5.47 mile 69/115 power transmission line and substation on a portion of land between the junctions of Hwy 140 and 86 which is Zoned EFU-CG and FR. This request was heard by the hearings officer June 5, 1998. The request was reviewed for conformance with Klamath County Land Development Code Article 55.2 and 54.

2. NAMES OF PARTICIPANTS

The hearings officer reviewing this application is Joan-Marie Michelsen. The applicant appeared and offered testimony. The planning department was represented by Kim Lundahl. The recording secretary Karen Burg. The applicant was well represented by Kathleen Rose.

3. LOCATION OF PROPERTY

The property in question is fully described in section 2 of the CUP application

4. MATERIALS CONSIDERED

All evidence submitted by the applicant and located in the Staff Report was considered as was the written and oral testimony given June 5, 1998, the letter from the applicant of June 10, and the site visit conducted by the hearings officer after notice to the parties and all present at the hearing and with the consent of the applicant. None of the parties were present at the site visit and no testimony was taken there, it was only a visual inspection of the substation portion of the project.

The application also contained a number of reports which were considered by the hearings officer and found to be helpful and well done.

5. FINDINGS

The Hearings officer FINDS AS FOLLOWS:

- a. The development of this type of structure is not included in the permitted uses for this zoning, however the LDC permits residences subject to certain findings.
- b. The parcels in question were legally created.
- c. Approval of the requested structure will not create conditions or circumstances that are contrary to the purposes or intent of county planning laws with the ordered mitigations.
- d. Active resource use has occurred on the subject property and the adjacent properties. The hearings officer observed that the section of property where the proposed substation would be located was being actively used for agriculture, specifically there were cattle grazing there when observed.
- e. The location of a expanded transmission line and substation as ordered on the parcel will not destabilize the existing land use pattern of the area.
- f. There is no Goal 5 Overlay to the area.
- g. There is no dwelling presently sited on this parcel.

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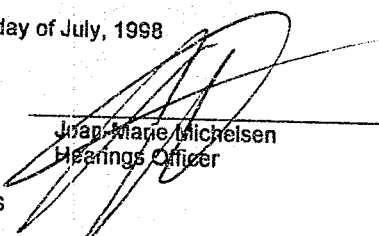
- h. This property is not under forest deferral and no stocking requirements need be met.
- i. The applicant represented that no trees would be disturbed or removed to implement this project.
- j. The hearings officer expressed concern over the impact of the substation and the size of the transmission poles on the agricultural nature of the property.
- k. The applicants stated that the transmission line will run along the existing easements and location.
- l. The applicants site maps of the substation show that the new Running Y Substation is proposed to be located to the Northwest or left of the existing distribution step-up bank. This proposed location would result in maximum, not minimum impact to both the agricultural value of the area and the visual impact and character of the area.
- m. The only proposed solution to maintain the character of the area and reduce visual impacts was slating which the hearings officer finds to be counter effective. Likewise other traditional methods such as mounding, walls, or vegetation are impractical.

6. ORDER

Therefore, it is hereby ordered that the applicant's request to develop a 69/115 power transmission line and substation is approved subject to the following conditions:

- a. No work on the power line shall commence until the wastewater force main is in place.
- b. Extreme caution shall be exercised during all phases of the project so as to avoid damaging the wastewater force main
- c. No existing tree shall be cut for this project however, ANSI specifications for tree trimming shall be maintained during and after construction.
- d. All activities shall be conducted in such a manner as to keep soil erosion to an absolute minimum.
- e. The new substation shall use the existing road access to the step-up bank.
- f. The new substation shall be located to the East or right of the existing step up bank, not to the left or Northwest as proposed.
- g. The transmission line shall be sited along the existing corridor.

Dated this 1st day of July, 1998


Jean Marie Michelsen
Hearings Officer

NOTICE OF APPEAL RIGHTS

You are hereby notified this application may be appealed to the Klamath County Board of Commissioners by filing with the Klamath County Planning Department a Notice of Appeal as set out in Section 33.004 of the Klamath County Land Development Code together with the fee required within SEVEN DAYS (7) following the mailing date of this order.

STATE OF OREGON: COUNTY OF KLAMATH : ss.

Filed for record at request of KLAMATH COUNTY the 8TH day
of JULY A.D., 19 98 at 1:48 o'clock P M., and duly recorded in Vol. M98
of DEEDS on Page 24113.

FEE
NONE

RETURN: COMMISSIONERS JOURNAL

By Bernetha G. Letsch, County Clerk