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05/08/2009 08:41:25 AM

Fee: NO FEE

KLAMATH COUNTY CLERKS
OFFICE

Klamath County Clerk

BEFORE THE PLANNING DIRECTOR KLAMATH COUNTY, OREGON

2009 MAY -7 PM 1:39

IN THE MATTER OF CUP 11-09,)
 PACIFICORP TO REBUILD EXPAND)
 AN EXISTING SUBSTATION ON)
 PROPERTY ZONED (IH) HEAVY)
 INDUSTRIAL, IDENTIFIED AS:)
 R-3909-00900-00600)

CUP TYPE II
 ADMINISTRATIVE
FINAL ORDER

1. NATURE OF THE REQUEST:

The applicant requests a Conditional Use Permit to rebuild and expand an existing power substation on a parcel zoned Heavy Industrial (IH). The Planning Director reviewed the request April 22, 2009 pursuant to KCLDC Article 22 – Administrative Review Procedure, Article 32 – Public Notice, Article 44 – Conditional Use Permit, and Article 53.4 – Heavy Industrial.

2. NAMES OF THOSE WHO PARTICIPATED:

The Planning Director in review of this application was Leslie C. Wilson. Alyssa Boles, Planner, prepared the Planning Department Staff Report.

3. LEGAL DESCRIPTION:

The subject property described in the Conditional Use Permit file located in the Planning Department is described as Township 39 South, Range 09 East Willamette Meridian, Section 09, Tax Lot 600.

4. RELEVANT FACTS:

The applicant intends to construct a new 115 kV substation approximately 200 feet west of the existing substation. Once the new substation is built, the old substation will be decommissioned and removed. The subject parcel contains wetlands; but, the applicant has completed a wetlands delineation. All existing and new structures are located outside the wetland area and a drainage berm is proposed. The parcel is located in Flood Zone C per FEMA map 410109 1205B. This parcel is in a Low Wildfire Hazard area. No mapped Goal 5 resources were located on the property. The subject parcel is lawfully created per Deed Volume 104 Page 353. Parcel has legal access via Laverne Street.

5. FINDINGS:

All evidence submitted shows that the approval criteria as set out in the code have been satisfied. The Planning Director finds this application does conform to criteria set out as follows:

KCLDC Article 44.030(A-C)

- A. The use complies with the Klamath County Comprehensive Plan Goal 1 - Citizen Involvement because of the public notification process, Goal 2 - Land Use Planning because the surrounding public was notified as part of the administrative review process and because a staff report was prepared for this application, and Goal 11 - Public Facilities and Services, for supplying a public utility service.
- B. The use is in conformance with Article 53.4 because the zoning allows for the establishment of Extensive Services and Utilities as a conditional use. The proposed rebuild and expansion will be subject to a Commercial Site Plan Review per KCLDC Article 41. Site Plan review will address issues such as fencing, landscaping, screening, drainage, etc. Proposed front setback is approximately 342 feet, which complies with setback requirements for the IH zone per KCLDC Article 62. Parcel has access via a paved County road, which complies with KCLDC Article 71. No water or sewer facilities are proposed on site, so the applicant does not need to demonstrate compliance with KCLDC Article 74.
- C. The proposed use will be rebuilt on the same parcel, which would have no new impact to the surrounding area and abutting properties. The use of the property is not changing so the rebuilt substation will have the same impact as the substation already located on site. All surrounding uses are also Heavy Industrial.

6. ORDER:

Therefore, upon review of the information and exhibits, it is ordered the request of Pacificorp for approval of CUP 11-09 is **APPROVED** subject to all Federal and State law, rules, or policy; Klamath County Land Development Code and County Ordinances; Oregon Fire Codes and Appendices; Oregon Building Codes and Appendices; Klamath County Public Works Standards, Policies, and Procedures; and, subject to the following additional Conditions of Approval:

Condition # 1

Prior to any site development, final clearances from Planning and Building must be obtained.

Condition # 2

Prior to application for site development permits, this final order must be recorded to the subject property. The applicant will supply the Planning Department with the applicable County Clerk recording fees and the Planning Department will record the final order on behalf of the applicant.

Condition # 3

Provide copies of any State or Federal permits to the Planning Department.

Condition # 4

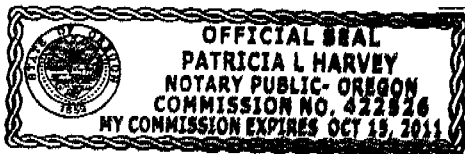
This approval will expire two years from the date of approval unless a Building Permit has been issued.

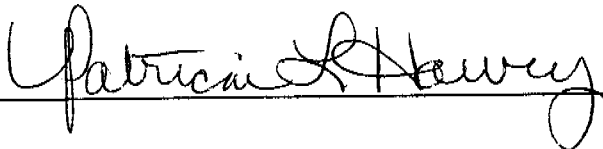
DATED this 22 day of APRIL, 2009.



Leslie C. Wilson, Planning Director

Signed & Acknowledged before me this 22nd day of April, 2009.





NOTARY PUBLIC FOR OREGON

My Commission Expires:

Oct 15, 2011

NOTICE OF APPEAL RIGHTS

This decision may be appealed to the Klamath County Board of County Commissioners. Notice of intent to appeal a decision rendered under the procedures of the Klamath County Land Development Code shall be filed no later than twelve (12) days following mailing of the final order (ORS 215.427). Failure to do so in a timely manner may affect your rights. Notice shall be in the form of a signed letter, shall state the name(s) of the party or parties appealing the decision, and must be received by the Planning Department before the close of business on the seventh day. The fee established by the Board of County Commissioners shall accompany the notice of appeal.

KCLDC ARTICLE 33.040 - STATEMENT OF APPEAL

No later than 12 days following the filing of a notice of appeal, pursuant to Section 33.030 the appellant shall file with the Planning Department a written statement of grounds for the appeal explaining:

- A. How the Comprehensive Plan, Klamath County Land Development Code, or applicable State law was incorrectly interpreted or applied in the decision; or*
- B. What information in the record of decision was pertinent to the decision, but was not considered by the review body*

For more information, please contact:

**Klamath County Planning Department
Phone 1-541-883-5121 or mail at 305 Main Street, Klamath Falls, Oregon 97601**

Exhibits:

Conditional Use Permit Application	Exhibit 1
Preliminary Title Report	Exhibit 2
Ownership Deed	Exhibit 3
Site Plan	Exhibit 4
Fire District Boundary Map	Exhibit 5
Geotechnical Report	Exhibit 6
Wetlands Delineation Report	Exhibit 7
Surrounding Zoning Map	Exhibit 8
Zone/Parcel/Goal 5/Wetlands/Fire District Map	Exhibit 9
FEMA Firmette	Exhibit 10
KCFD #1 Comments	Exhibit 11
City of Klamath Falls Planning Comments	Exhibit 12
KC Building Comments	Exhibit 13