



SUPPLEMENTAL APPLICATION
UTILITY FACILITY IN EXCLUSIVE FARM USE ZONE
(November - 2008)

APPLICANT INFORMATION:

Name _____ File # _____

Date _____

WHAT IS A UTILITY FACILITY IN AN EXCLUSIVE FARM USE ZONE?

The County Zoning & Development Ordinance (ZDO) allows a Utility Facility to be constructed in an Agricultural zone if the facility is necessary to be situated in the Exclusive Farm Use (EFU) zone in order for the service to be provided.

WHAT IS NEEDED FOR APPROVAL?

Utility Facilities MAY be permitted after evaluation according to criteria in the ZDO. The County must make written findings to support the decision. The applicant is responsible for providing evidence to support the Utility Facility request according to the criteria in Section 401 of the ZDO.

WHAT ARE CHANCES FOR APPROVAL?

Staff cannot predetermine the decision of this or any application. A decision of approval or denial will only be made after the complete application is processed. This includes review of citizen and agency comments. The decision is based on criteria appropriate to this application as listed in the ZDO. In order to address the necessary criteria, the information requested in this supplemental application should be as thorough and complete as possible.

APPLICATION PROCESS

Utility Facility permits are subject to the Administrative Action process and public notice. Public comments received from the Community Planning Organizations (CPO), property owners, agencies and other interested parties may affect the decision on the application. Special conditions may be attached to any approvals. Any decision on this application can be appealed to the County Hearings Officer and to the State Land Use Board of Appeals (LUBA) by the applicant or any other interested person.

STAFF WILL ATTACH THE FOLLOWING PERTINENT INFORMATION:

_____ Land Use Application _____ CPO Information
_____ Sample Plot Plan _____ Application Process
_____ ZDO Section 401

HOW LONG WILL IT TAKE TO GET A FINAL DECISION ON THIS APPLICATION?

The review process will take approximately 45 days, or up to 120 days if the initial decision is appealed.

150 Beaver Creek Road, Oregon City, Oregon, 97045 – Phone: 503-742-4500; Fax 503-742-4500

COMPLETE APPLICATIONS REQUIRE THE FOLLOWING:

1. Land Use Application Form - Information on applicant and land involved in the application.
2. Supplemental Application – Submit and provide the following information for the appropriate application. Use additional paperwork as needed.
3. Application Fee: _____ (Fee is nonrefundable upon decision or staff report; partial refund if withdrawn after notice; full refund if withdrawn prior to notice.)
4. One Plot Plan drawn to scale on 8.5" x 11" or 8.5" x 14" paper, showing the property and your proposal (tower elevation drawing, equipment compound area, access road, etc.). Also include one 11 by 17 inch scale of the project.
5. RF Engineering target area and mapping showing locations of existing towers in the area, the ring of influence if existing towers are used. Provide the same for the new tower stand alone ring and compiled area of influence when incorporated in the grid.
6. Topography mapping of the area for potential service and of existing towers in the area.

PLEASE RESPOND IN DETAIL TO THE FOLLOWING:

1. **401.06(A): *The use may only be approved where such uses: a) will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; and b) Will not significantly increase the cost of accepted farm or forest practices on land devoted to farm or forest use.***

2. **401.06(B)(17): *Utility facilities necessary for public service, including wetland waste water treatment systems, but not including commercial facilities for the purpose of generating electrical power for public use by sale or transmission towers over 200 feet in height. A utility facility necessary for public service may be established as provided in ORS 215.275. A facility is necessary if it must be situated in an agricultural zone in order for the service to be provided.***

3. **ORS 215.275(2): *To demonstrate that a utility facility is necessary, an applicant for approval under 215.283 must show that reasonable alternatives have been considered and that the facility must be sited in an exclusive farm use zone due to one or more of the following factors:***
 - a. **ORS 215.275(2)(a): *Technical and engineering feasibility.***

- b. ORS 215.275(2)(b): ***The proposed facility is locationally dependent. A utility facility is locationally dependant if it must cross land in one or more areas zoned for exclusive farm use in order to achieve a reasonably direct route or to meet unique geographical needs that cannot be satisfied on other lands.***

 - c. ORS 215.275(2)(c): ***Lack of available urban and nonresource lands.***

 - d. ORS 215.725(2)(d): ***Availability of existing rights of way.***

 - e. ORS 215.275(2)(e): ***Public health and safety.***

 - f. ORS 215.275(2)(f): ***Other requirements of state or federal agencies.***
5. ORS 215.275(3): ***Costs associated with any of the factors listed in subsection (2) of the section may be considered, but cost alone may not be the only consideration in determining that a utility facility is necessary for public service. Land costs shall not be included when considering alternative locations for substantially similar utility facilities.***

6. **ORS 215.275(4):** *The owner of a utility facility approved under ORS 215.283 shall be responsible for restoring, as nearly as possible, to its former condition any agricultural land and associated improvements that are damaged or otherwise disturbed by the siting, maintenance, repair or reconstruction of the facility. Nothing in this section shall prevent the owner of the utility facility from requiring a bond or other security from a contractor or otherwise imposing on a contractor the responsibility for restoration.*

7. **ORS 215.275(5):** *The governing body of the county or its designee shall impose clear and objective conditions on an application for utility facility siting under ORS 215.283 to mitigate and minimize the impacts of the proposed facility, if any, on surrounding lands devoted to farm use.*

8. **ORS 215.275(6):** *The provisions of subsection (2) and (5) of this section do not apply to interstate natural gas pipelines and associated facilities authorized by and subject to regulation by the Federal Energy Regulatory Commission.*

Questions should be directed to Gary Hewitt - Sr. Planner at 503-742-4519 or (garyh@co.clackamas.or.us)