



**LAND USE APPLICATION
CONDITIONAL USE REQUEST**
Supplemental Information:
UTILITY FACILITIES

Conditional Use: EFU, FU, SR, SR-1A, CG(substation), RLI, RRI

On farmland the State allows as a conditional use utility facilities necessary for public service, including wetland waste 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 may be a communication tower, transmission lines under 200 feet in height, water storage towers or reservoirs, water treatment facilities, sewage lagoons, dams, pipelines, power substations, or sanitary landfills.

Standards for utility facilities necessary for public services required by the Morrow County Zoning Ordinance. In addition to the general criteria and conditions set forth in Article 6.020 and 6.030 the following standards are required by the County:

EFU: 3.010(D)(17):

Utility facilities “necessary” for public service, excluding commercial utility facilities for the purpose of generating power for public use by sale, and transmission towers over 200 feet in height. A utility facility is necessary for public service if the facility must be sited in an exclusive farm use zone in order to provide the service. To demonstrate that a utility facility is necessary, an applicant 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 factors listed in OAR 660-033-0130(16).

FU: 3.020(B)(15):

Utility facility for the purpose of generating power. A power generation facility shall not preclude more than 10 acres from use as a commercial forest operation unless an exception is taken pursuant to OAR Chapter 660, Division 4.

RLI: 3.075(1)(f):

Conditional Uses include: Utility yard, recycling center, resource recovery facility, sewage disposal plant, pumping or treatment facility, water storage reservoir, sewage transfer site, or waste transfer site.

RRI: 3.015(C)(7):

Utility facilities necessary for public service subject to the provisions of ORS 215.275 and OAR 660-033-0130(16). No local legislative criteria shall be applied for consideration of establishing a utility facility necessary for public service.

STATE STANDARDS:

Oregon Revised Statute 215.275 Utility facilities necessary for public service; criteria; rules; mitigating impact of facility.

- (1) A utility facility is necessary for public service if the facility must be sited in an exclusive farm use zone in order to provide the service.

- (2) To demonstrate that a utility facility is necessary, an applicant for approval under 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) Technical and engineering feasibility;
 - (b) The proposed facility is locationally dependent. A utility facility is locationally dependent 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) Lack of available urban and nonresource lands;
 - (d) Availability of existing rights of way;
 - (e) Public health and safety; and
 - (f) Other requirements of state or federal agencies.
- (3) Costs associated with any of the factors listed in subsection (2) of this 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. The Land Conservation and Development Commission shall determine by rule how land costs may be considered when evaluating the siting of utility facilities that are not substantially similar.
- (4) The owner of a utility facility approved under ORS 215.213 (1)(d) or 215.283 (1)(d) 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.
- (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 215.213 (1)(d) or 215.283 (1)(d) to mitigate and minimize the impacts of the proposed facility, if any, on surrounding lands devoted to farm use in order to prevent a significant change in accepted farm practices or a significant increase in the cost of farm practices on the surrounding farmlands.
- (6) The provisions of subsections (2) to (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. [1999 c.816 §3]