LAND USE INFORMATION
Wind Energy Facilities

The Morrow County Zoning Ordinance uses the term "utility facility" to identify any major structure owned or operated by a public, private, or cooperative electric, fuel, communication, sewage, or water company for the generation, transmission, distribution or processing of its products or for the disposal of cooling water, waste or byproducts, and including power transmission lines, major trunk pipelines, power substations, dams, water towers, sewage lagoons, sanitary landfills, and similar facilities, but excluding local sewer, water, gas, telephone and power distribution lines and similar minor facilities allowed in any zone. *Oregon state law is more specific about the above activities and defines some of them as other than a "utility facility" and has separate requirements for their approval. This information sheet describes the process whereby energy facilities deriving power from wind gain approval in Morrow County. Morrow County approves wind energy facilities in accordance with applicable Statute and Rule.*

Small-Scale Wind Power Generation Systems
Small electric wind turbines for residential or small commercial use must have land use approval. These systems generally convert wind power to electricity at a capacity of from 500 watts up to 10 kilowatts. A zoning permit will be required for all towers under 200 feet in height.

Large-Scale Wind Power Generation Facilities
A wind power generating facility using wind towers 200 feet in height or taller and/or with an average electric generating capacity of less than 35 megawatts produced from wind energy may be approved as a conditional use in Morrow County. Otherwise, large-scale wind generation facilities are approved via a site certificate from the Energy Facilities Siting Council in the manner provided for in ORS 469.300 to 469.563, 469.590 to 469.619, 469.930 and 469.992.

Minimum Standards Applicable to the Permitting of Large-Scale Wind Power Generating Facilities. (OAR 660-033-0130)

A wind power generation facility includes, but is not limited to, the following system components: all wind turbine towers and concrete pads, permanent meteorological towers and wind measurement devices, electrical cable collection systems connecting wind turbine towers with the relevant power substation, new or expanded private roads (whether temporary or permanent) constructed to serve the wind power generation facility, office and operation and maintenance buildings, temporary lay-down areas, and all other necessary appurtenances. A proposal for a wind power generation facility shall be subject to the following provisions:

1. For high-value farmland soils described at ORS 195.300(10), the governing body or its designate must find that all of the following are satisfied:

(A) Reasonable alternatives have been considered to show that siting the wind power generation facility or component thereof on high-value farmland soils is necessary for the facility or component to function properly or if a road system or turbine string must be placed on such soils to achieve a reasonably direct route considering the following factors:
(i) Technical and engineering feasibility;
(ii) Availability of existing rights of way; and
(iii) The long-term environmental, economic, social, and energy consequences of siting the facility or component on alternative sites, as determined under OAR 660-033-0130(37)(a)(B).

(B) The long-term environmental, economic, social and energy consequences resulting from the wind power generation facility or any components thereof at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located on other agricultural lands that do not include high-value farmland soils.

(C) Costs associated with any of the factors listed in OAR 660-033-0130(37)(a)(A) may be considered, but costs alone may not be the only consideration in determining that siting any component of a wind power generation facility on high-value farmland soils is necessary.

(D) The owner of a wind power generation facility approved under OAR 660-033-0130(37)(a) 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 subsection shall prevent the owner of the facility from requiring a bond or other security from a contractor or otherwise imposing on a contractor the responsibility for restoration.

(E) The criteria of OAR 660-033-0130(37)(b) are satisfied.

2. For arable lands, meaning lands that are cultivated or suitable for cultivation, including high-value farmland soils described at ORS 195.300(10), the governing body or its designate must find that:

(A) The proposed wind power facility will not create unnecessary negative impacts on agricultural operations conducted on the subject property. Negative impacts could include, but are not limited to, the unnecessary construction of roads, dividing a field or multiple fields in such a way that creates small or isolated pieces of property that are more difficult to farm, and placing wind farm components such as meteorological towers on lands in a manner that could disrupt common and accepted farming practices; and

(B) The presence of a proposed wind power facility will not result in unnecessary soil erosion or loss that could limit agricultural productivity on the subject property. This provision may be satisfied by the submittal and county approval of a soil and erosion control plan prepared by an adequately qualified individual, showing how unnecessary soil erosion will be avoided or remedied and how topsoil will be stripped, stockpiled and clearly marked. The approved plan shall be attached to the decision as a condition of approval; and

(C) Construction or maintenance activities will not result in unnecessary soil compaction that reduces the productivity of soil for crop production. This provision may be satisfied by the submittal and county approval of a plan prepared by an adequately qualified individual, showing how unnecessary soil compaction will be avoided or remedied in a timely manner through deep soil decompaction or other appropriate practices. The approved plan shall be attached to the decision as a condition of approval; and

(D) Construction or maintenance activities will not result in the unabated introduction or spread of noxious weeds and other undesirable weeds species. This provision may be satisfied by the submittal and county approval of a weed control plan prepared by an adequately qualified individual that includes a long-term maintenance agreement. The approved plan shall be attached to the decision as a condition of approval.

3. For nonarable lands, meaning lands that are not suitable for cultivation, the governing body or its designate must find that the requirements of OAR 660-033-0130(37)(b)(D) are satisfied.

4. In the event a wind power generation facility is proposed on a combination of arable and nonarable lands as described in OAR 660-033-0130(37)(b) and (c) the approval criteria of OAR 660-033-0130(37)(b) shall apply to the entire project.

Site Plan Review and Site Development Review:

Site Plan Review (MCZO Section 4.165) After Planning Commission approval of a Conditional Use and within 6 months of the commencement of facility development, the Planning Department conducts a ministerial review to assure the required standards are met as required by the Conditions of Approval. This review is the same as required for all development in the County.

Site Development Review (MCZO Section 4.170) Site Development Review may be required by the Planning Commission instead of Site Plan Review when a proposed development will utilize 100 acres or more of real property. The review would be conducted by the Planning Commission.