



SUPPLEMENTAL APPLICATION
Utility Facility in Exclusive Farm Use Zone
(August 2018)

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 the 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.

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 paper as needed.

4. **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.**

5. **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.**

6. **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.**

7. **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? Contact Alex Pichacz at 503-742-4510 or APichacz@clackamas.us