



Planning and Zoning  
Department of Transportation and Development  
Development Services Building  
150 Beavercreek Road | Oregon City, OR 97045  
503-742-4500 | zoninginfo@clackamas.us  
www.clackamas.us/planning

**STAFF USE ONLY**

Land use application for:

# UTILITY FACILITY

## In EFU District

**Application Fee: \$1,097**

Staff Initials:

File Number:

### APPLICANT INFORMATION

Applicant name:	Applicant email:	Applicant phone:	
Applicant mailing address:	City:	State:	ZIP:
Contact person name (if other than applicant):	Contact person email:	Contact person phone:	
Contact person mailing address:	City:	State:	ZIP:

### PROPOSAL

Brief description of proposal:

### SITE INFORMATION

Site address:	Comprehensive Plan designation: <b>Agriculture</b>	Zoning district: <b>EFU</b>
Map and tax lot #: Township: _____ Range: _____ Section: _____ Tax Lot: _____ Township: _____ Range: _____ Section: _____ Tax Lot: _____ Township: _____ Range: _____ Section: _____ Tax Lot: _____	Land area:	
Adjacent properties under same ownership: Township: _____ Range: _____ Section: _____ Tax Lot: _____ Township: _____ Range: _____ Section: _____ Tax Lot: _____		

Printed names of all property owners:

Signatures of all property owners:

Date(s):

**I hereby certify that the statements contained herein, along with the evidence submitted, are in all respects true and correct to the best of my knowledge.**

Applicant signature:

Date:

## A. Review applicable land use rules:

This application is subject to the provisions of [Section 401, Exclusive Farm Use District \(EFU\)](#) of the [Clackamas County Zoning and Development Ordinance](#) (ZDO).

This application is also subject to the ZDO's definitions, procedures, and other general provisions, as well as to the specific rules of the subject property's zoning district and applicable development standards, as outlined in the ZDO.

## B. Turn in all of the following:

- ☐ **Complete application form:** Respond to all the questions and requests in this application, and make sure all owners of the subject property sign the first page of this application. Applications without the signatures of *all* property owners are incomplete.
- ☐ **Application fee:** The cost of this application is **\$1,097**. Payment can be made by cash, by check payable to "Clackamas County", or by credit/debit card with an additional card processing fee using the [Credit Card Authorization Form](#) available from the Planning and Zoning website. Payment is due when the application is submitted. Refer to the FAQs at the end of this form and to the adopted [Fee Schedule](#) for refund policies.
- ☐ **Site plan:** Provide a site plan (also called a plot plan). A [Site Plan Sample](#) is available from the Planning and Zoning website. The site plan must be accurate and drawn to-scale on paper measuring no larger than 11 inches x 17 inches. The site plan must illustrate all of the following (when applicable):
  - Lot lines, lot/parcel numbers, and acreage/square footage of lots;
  - Contiguous properties under the same ownership;
  - All existing and proposed structures (including dwellings, accessory buildings, fences, and all structures associated with utility facilities), utility lines, roads, driveways, parking areas, and easements, each with identifying labels and dimensions;
  - Setbacks of all structures from lot lines and easements;
  - Significant natural features (rivers, streams, wetlands, slopes of 20% or greater, geologic hazards, mature trees or forested areas, drainage areas, etc.); and
  - Location of utilities, wells, septic drain fields, and replacement drain field areas.

## C. For a utility facility necessary for public service:

If you are proposing a utility facility 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), attach a detailed **narrative, plans, and maps**.

The narrative, plans, and maps must respond to 1-7 as follows (*except for proposals for an interstate natural gas pipeline and associated facilities authorized by and subject to regulation by the Federal Energy Regulatory Commission, which do not need to address 1 or 5*):

1. Explain what the proposed utility facility is, what utility services it will provide, whether it's providing any electrical power for public use by sale, and the height of any transmission tower;
2. Demonstrate that the utility facility is necessary by showing that reasonable alternatives have been considered and that the facility must be sited in the EFU District due to *one or more* of the following factors:
  - Technical and engineering feasibility;
  - 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);
  - Lack of available urban and nonresource lands;
  - Availability of existing rights of way;
  - Public health and safety; and
  - Other requirements of state and federal agencies;
3. OAR 660-033-0130(16)(a)(B) allows for costs associated with of the factors listed in Number 2 above to be considered, but cost alone may not be the only consideration in determining that a utility facility is necessary for public service. Explain any costs associated with the factors listed in Number 2 above that you wish to be considered;
4. Explain how the owner of the utility facility 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 (*Note: OAR 660-033-0130(16)(a)(C) does not 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. Identify impacts, if any, the facility will have on surrounding lands devoted to farm use that could cause a significant change in accepted farm practices or a significant increase in the cost of farm practices on surrounding farmlands;

6. Identify whether any on-site or off-site facilities for temporary workforce housing for workers constructing the utility facility are proposed, where such housing is proposed to be located, and how such housing will be removed or converted to an allowed use under OAR 660-03-0130(19) or other statute or rule when project construction is complete;
7. Explain how any proposed off-site facilities for temporary workforce housing for workers constructing the utility facility will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use and will not significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use; and
8. If your proposal includes the establishment or extension of a sewer system as defined by OAR 660-011-0060(1)(f), how the proposal complies with the provisions of OAR 660-011-0060.

#### **D. For an associated transmission line:**

If you are proposing a transmission line that is associated with a utility facility established under ORS 215.283(1)(3), attach a detailed **narrative, plans, and maps**.

The narrative, plans, and maps must:

1. Describe the proposed transmission line and identify the utility services it will provide, whether it's providing any electrical power for public use by sale, and the height of any transmission tower;
2. Demonstrate that the transmission line is necessary by *either* 2.a or 2.b below:
  - a. The entire route of the associated transmission line meets at least one of the following requirements:
    - The associated transmission line is not located on high-value farmland, as defined in ZDO Section 401, or on arable land;
    - The associated transmission line is co-located with an existing transmission line;
    - The associated transmission line parallels an existing transmission line corridor with the minimum separation necessary for safety; or
    - The associated transmission line is located within an existing right of way for a linear facility, such as a transmission line, road, or railroad, that is located above the surface of the ground; or

- b. An evaluation of reasonable alternatives was conducted and that the entire route of the associated transmission line meets, subject to OAR 660-033-0130(16)(b)(C) and (D), *two or more* of the following criteria, with any associated costs you wish to be considered identified (*Note: Cost alone may not be the only consideration in determining that a utility facility is necessary for public service*):
- Technical and engineering feasibility;
  - The associated transmission line is locationally-dependent because the associated transmission line must cross high-value farmland, as defined in ZDO Section 401, or arable land to achieve a reasonably direct route or to meet unique geographical needs that cannot be satisfied on other lands;
  - Lack of an available existing right of way for a linear facility, such as a transmission line, road, or railroad, that is located above the surface of the ground;
  - Public health and safety; or
  - Other requirements of state or federal agencies; and
3. Explain how you will mitigate and minimize the impacts, if any, of the associated transmission line 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 farmland.

## FAQs

### When is a Utility Facility in EFU District permit required?

[Section 401](#) of the County's Zoning and Development Ordinance (ZDO) allows certain utility facilities and their associated transmission lines in the Exclusive Farm Use (EFU) zoning district, under specific conditions. Utilities 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), and their associated transmission lines, require a Utility Facility in EFU District permit.

### What is the permit application process?

Utility Facility in EFU District permits are subject to a "Type II" land use application process, as provided for in [Section 1307](#) of the ZDO. Type II decisions include notice to owners of nearby land, the Community Planning Organization (if active), service providers (sewer, water, fire, etc.), and affected government agencies. If the application is approved, the applicant must comply with any conditions of approval identified in the decision. The Planning Director's decision can be appealed to the County Land Use Hearings Officer.

### What is needed for the County to approve a land use permit?

Utility facilities in the EFU District *may* be permitted after an evaluation by the County of applicable standards of the ZDO. The applicant is responsible for providing evidence that their proposal does or can meet those standards. In order to address the standards, the information requested in this application should be as thorough and complete as possible. A permit will only be approved or denied after a complete application is received and reviewed. The County approves an application only if it finds that the proposal meets the standards or can meet the standards with conditions.

### How long will it take the County to make a decision about an application?

The County makes every effort to issue a decision on a Type II land use application within 45 days of when we deem the application to be complete. State law generally requires a final County decision on a land use permit application in an urban area within 120 days of the application being deemed complete, and within 150 days for a land use permit in a rural area, although there are some exceptions.

### If an application is submitted and then withdrawn, will a refund be given?

If a submitted Type II application is withdrawn before it is publicly noticed, 75% of the application fee paid, or the fee paid minus \$250, whichever is less, will be refunded. If a submitted application is withdrawn after it is publicly noticed, but before a decision is issued, 50% of the application fee paid, or the fee paid minus \$500, whichever is less, will be refunded. No refund will be given after a decision is issued. The \$5 Technology Fee is non-refundable.

### Who can help answer additional questions?

For questions about the County's land use permit requirements and this application form, contact Planning and Zoning at **503-742-4500** or [zoninginfo@clackamas.us](mailto:zoninginfo@clackamas.us). You can also find information online at the Planning and Zoning website: [www.clackamas.us/planning](http://www.clackamas.us/planning).

*Clackamas County is committed to providing meaningful access and will make reasonable accommodations, modifications, or provide translation, interpretation or other services upon request. Please contact us at 503-742-4545 or [drenhard@clackamas.us](mailto:drenhard@clackamas.us).*

**503-742-4545:** ¿Traducción e interpretación? | Требуется ли вам устный или письменный перевод?  
翻译或口译? | Cần Biên dịch hoặc Phiên dịch? | 번역 또는 통역?