

**829 HYDROELECTRIC FACILITIES**

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**829.01 PURPOSE**

Section 829 is adopted to provide for the production of electricity by hydroelectric facilities in a manner which is consistent with the preservation and protection of the natural resources, recreational resources, natural features, and water quality in the river and stream corridors of the County.

**829.02 APPLICABILITY**

Section 829 applies to hydroelectric facilities.

**829.03 OTHER COUNTY PERMITS REQUIRED**

- A. Flood Hazard Permit: All facilities proposed within a floodplain area shall be subject to Section 703.
- B. Principal River Conservation Area: All facilities located on, or within a quarter mile of, the Clackamas, Sandy/Salmon, Molalla/Pudding, and Tualatin River corridors as identified on Comprehensive Plan Maps III-1a, *Principal River Conservation Area Clackamas River Design Plan*, III-1b, *Principal River Conservation Area Sandy-Salmon River Design Plan*, III-1c, *Principal River Conservation Area Molalla River Design Plan*, and III-1d, *Principal River Conservation Area Tualatin River Design Plan*, shall be subject to Section 704.
- C. Willamette River Greenway: All facilities located within the Willamette River Greenway shall be subject to Section 705.

**829.04 CONDITIONAL STANDARDS**

- A. Oregon Administrative Rules:
  - 1. All facilities over 25,000 kilowatts shall be reviewed under Oregon Administrative Rules (OAR) 690-74-005 through 690-74-095 adopted to achieve the purposes set out in Oregon Revised Statutes 536.220 and 536.310, and adopted basin programs.
  - 2. All other facilities shall satisfy the provisions under those sections of the rules covering environmental and socioeconomic impacts (OAR 690-74-020 through 690-74-075). However, if the applicant can prove that the interests protected by requiring a certain finding are not present in the circumstances involved in the application, that finding need not be made.
- B. Development Standards: All facilities, and associated construction and installation procedures, shall be subject to the applicable provisions of this Ordinance for:

1. Protection of natural features, under Section 1002;
  2. Hazards under Section 1003;
  3. Historic protection under Section 1004;
  4. Utility lines and facilities, under Section 1006;
  5. Storm drainage, under Section 1008;
  6. Erosion control, revegetation, and screening, under Subsections 1009.05 and 1009.09; and
  7. Open Space protection, under Section 1011, except that no hydroelectric facility development shall occur in, nor shall any such development be allowed where it may produce significant adverse impacts on, Significant Natural Areas or Wetlands, as identified in the Comprehensive Plan and supporting inventories and documents.
- C. Stream Flows: At all times during the operation of the project the use of water, or diversion thereof, shall not interfere with the maintenance of pre-project fish population levels in the stream or river utilized by the project. Minimum stream flow standards to satisfy this provision shall be established as follows:
1. If the State or Federal agency licensing the particular facility establishes, as a condition of approval, minimum stream flow for the project, maintenance of such flow shall be a condition of the County permit.
  2. If no minimum stream flow requirements are established under Subsection 829.04(C)(1), the County shall:
    - a. Establish minimum stream flow requirements based upon the best available information from the State Departments of Fish and Wildlife, and Water Resources, or County, State, or Federal agencies, or other sources, with expertise to evaluate the stream flow requirements; and
    - b. Require maintenance thereof as a condition of approval.
- D. Noise: All noise standards of the Department of Environmental Quality shall be satisfied.
- E. Bonding: The County may require the posting of a bond to assure compliance with the provisions of this Ordinance and any conditions of approval imposed by the County.

[Amended by Ord. ZDO-224, 5/31/11; Amended by Ord. ZDO-248, 10/13/14]