

**Department of Land Conservation and Development:  
Wind Energy found at OAR 660-033-0130(37):**

(37) For purposes of this rule 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, including but not limited to on-site and off-site facilities for temporary workforce housing for workers constructing a wind power generation facility. Such facilities must be removed or converted to an allowed use under OAR 660-033-0130(19) or other statute or rule when project construction is complete. Temporary workforce housing facilities not included in the initial approval may be considered through a minor amendment request filed after a decision to approve a power generation facility. A minor amendment request shall be subject to 660-033-0130(5) and shall have no effect on the original approval. A proposal for a wind power generation facility shall be subject to the following provisions:

(a) 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 paragraph (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 paragraph (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 subsection (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; and

(E) The criteria of subsection (b) are satisfied.

(b) 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;

(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;

(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.

(c) 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.

(d) In the event that 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 660-033-0130(37)(b) shall apply to the entire project.

**Solar Energy found at OAR 660-033-0130(38):**

(38) A proposal to site a photovoltaic solar power generation facility shall be subject to the following definitions and provisions:

(a) "Arable land" means land in a tract that is predominantly cultivated or, if not currently cultivated, predominantly comprised of arable soils.

(b) "Arable soils" means soils that are suitable for cultivation as determined by the governing body or its designate based on substantial evidence in the record of a local land use application, but "arable soils" does not include high-value farmland soils described at ORS 195.300(10) unless otherwise stated.

(c) "Dual-use development" means developing the same area of land for both a photovoltaic solar power generation facility and for farm use.

(d) "Nonarable land" means land in a tract that is predominantly not cultivated and predominantly comprised of nonarable soils.

(e) "Nonarable soils" means soils that are not suitable for cultivation. Soils with an NRCS agricultural capability class V–VIII and no history of irrigation shall be considered nonarable in all cases. The governing body or its designate may determine other soils, including soils with a past

history of irrigation, to be nonarable based on substantial evidence in the record of a local land use application.

(f) "Photovoltaic solar power generation facility" includes, but is not limited to, an assembly of equipment that converts sunlight into electricity and then stores, transfers, or both, that electricity. This includes photovoltaic modules, mounting and solar tracking equipment, foundations, inverters, wiring, storage devices and other components. Photovoltaic solar power generation facilities also include electrical cable collection systems connecting the photovoltaic solar generation facility to a transmission line, all necessary grid integration equipment, new or expanded private roads constructed to serve the photovoltaic solar power generation facility, office, operation and maintenance buildings, staging areas and all other necessary appurtenances. For purposes of applying the acreage standards of this section, a photovoltaic solar power generation facility includes all existing and proposed facilities on a single tract, as well as any existing and proposed facilities determined to be under common ownership on lands with fewer than 1320 feet of separation from the tract on which the new facility is proposed to be sited. Projects connected to the same parent company or individuals shall be considered to be in common ownership, regardless of the operating business structure. A photovoltaic solar power generation facility does not include a net metering project established consistent with ORS 757.300 and OAR chapter 860, division 39 or a Feed-in-Tariff project established consistent with ORS 757.365 and OAR chapter 860, division 84.

(g) For high-value farmland described at ORS 195.300(10), a photovoltaic solar power generation facility shall not use, occupy, or cover more than 12 acres unless:

(A) The provisions of paragraph (h)(H) are satisfied; or

(B) A county adopts, and an applicant satisfies, land use provisions authorizing projects subject to a dual-use development plan. Land use provisions adopted by a county pursuant to this paragraph may not allow a project in excess of 20 acres. Land use provisions adopted by the county must require sufficient assurances that the farm use element of the dual-use development plan is established and maintained so long as the photovoltaic solar power generation facility is operational or components of the facility remain on site. The provisions of this subsection are repealed on January 1, 2022.

(h) The following criteria must be satisfied in order to approve a photovoltaic solar power generation facility on high-value farmland described at ORS 195.300(10).

(A) The proposed photovoltaic solar power generation facility will not create unnecessary negative impacts on agricultural operations conducted on any portion of the subject property not occupied by project components. 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 photovoltaic solar power generation facility project components on lands in a manner that could disrupt common and accepted farming practices;

(B) The presence of a photovoltaic solar power generation 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. The approved plan shall be attached to the decision as a condition of approval;

(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;

(D) Construction or maintenance activities will not result in the unabated introduction or spread of noxious weeds and other undesirable weed 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;

(E) Except for electrical cable collection systems connecting the photovoltaic solar power generation facility to a transmission line, the project is not located on those high-value farmland soils listed in OAR 660-033-0020(8)(a);

(F) The project is not located on those high-value farmland soils listed in OAR 660-033-0020(8)(b)-(e) or arable soils unless it can be demonstrated that:

(i) Non high-value farmland soils are not available on the subject tract;

(ii) Siting the project on non high-value farmland soils present on the subject tract would significantly reduce the project's ability to operate successfully; or

(iii) The proposed site is better suited to allow continuation of an existing commercial farm or ranching operation on the subject tract than other possible sites also located on the subject tract, including those comprised of non high-value farmland soils; and

(G) A study area consisting of lands zoned for exclusive farm use located within one mile measured from the center of the proposed project shall be established and:

(i) If fewer than 48 acres of photovoltaic solar power generation facilities have been constructed or received land use approvals and obtained building permits within the study area, no further action is necessary.

(ii) When at least 48 acres of photovoltaic solar power generation facilities have been constructed or received land use approvals and obtained building permits, either as a single project or as multiple facilities within the study area, the local government or its designate must find that the photovoltaic solar power generation facility will not materially alter the stability of the overall land use pattern of the area. The stability of the land use pattern will be materially altered if the overall effect of existing and potential photovoltaic solar power generation facilities will make it more difficult for the existing farms and ranches in the area to continue operation due to diminished opportunities to expand, purchase or lease farmland or acquire water rights, or will reduce the number of tracts or acreage in farm use in a manner that will destabilize the overall character of the study area.

(H) A photovoltaic solar power generation facility may be sited on more than 12 acres of high-value farmland described in ORS 195.300(10)(f)(C) without taking an exception pursuant to ORS 197.732 and OAR chapter 660, division 4, provided the land:

(i) Is not located within the boundaries of an irrigation district;

(ii) Is not at the time of the facility's establishment, and was not at any time during the 20 years immediately preceding the facility's establishment, the place of use of a water right permit, certificate, decree, transfer order or ground water registration authorizing the use of water for the purpose of irrigation;

(iii) Is located within the service area of an electric utility described in ORS 469A.052(2);

- (iv) Does not exceed the acreage the electric utility reasonably anticipates to be necessary to achieve the applicable renewable portfolio standard described in ORS 469A.052(3); and
  - (v) Does not qualify as high-value farmland under any other provision of law; or
- (i) For arable lands, a photovoltaic solar power generation facility shall not use, occupy, or cover more than 20 acres. The governing body or its designate must find that the following criteria are satisfied in order to approve a photovoltaic solar power generation facility on arable land:
- (A) Except for electrical cable collection systems connecting the photovoltaic solar power generation facility to a transmission line, the project is not located on those high-value farmland soils listed in OAR 660-033-0020(8)(a);
  - (B) The project is not located on those high-value farmland soils listed in OAR 660-033-0020(8)(b)-(e) or arable soils unless it can be demonstrated that:
    - (i) Nonarable soils are not available on the subject tract;
    - (ii) Siting the project on nonarable soils present on the subject tract would significantly reduce the project's ability to operate successfully; or
    - (iii) The proposed site is better suited to allow continuation of an existing commercial farm or ranching operation on the subject tract than other possible sites also located on the subject tract, including those comprised of nonarable soils;
  - (C) No more than 12 acres of the project will be sited on high-value farmland soils described at ORS 195.300(10);
  - (D) A study area consisting of lands zoned for exclusive farm use located within one mile measured from the center of the proposed project shall be established and:
    - (i) If fewer than 80 acres of photovoltaic solar power generation facilities have been constructed or received land use approvals and obtained building permits within the study area no further action is necessary.
    - (ii) When at least 80 acres of photovoltaic solar power generation facilities have been constructed or received land use approvals and obtained building permits, either as a single project or as multiple facilities, within the study area the local government or its designate must find that the photovoltaic solar power generation facility will not materially alter the stability of the overall land use pattern of the area. The stability of the land use pattern will be materially altered if the overall effect of existing and potential photovoltaic solar power generation facilities will make it more difficult for the existing farms and ranches in the area to continue operation due to diminished opportunities to expand, purchase or lease farmland, acquire water rights or diminish the number of tracts or acreage in farm use in a manner that will destabilize the overall character of the study area; and
  - (E) The requirements of OAR 660-033-0130(38)(h)(A), (B), (C) and (D) are satisfied.
- (j) For nonarable lands, a photovoltaic solar power generation facility shall not use, occupy, or cover more than 320 acres. The governing body or its designate must find that the following criteria are satisfied in order to approve a photovoltaic solar power generation facility on nonarable land:
- (A) Except for electrical cable collection systems connecting the photovoltaic solar power generation facility to a transmission line, the project is not located on those high-value farmland soils listed in OAR 660-033-0020(8)(a);
  - (B) The project is not located on those high-value farmland soils listed in OAR 660-033-0020(8)(b)-(e) or arable soils unless it can be demonstrated that:

- (i) Siting the project on nonarable soils present on the subject tract would significantly reduce the project's ability to operate successfully; or
- (ii) The proposed site is better suited to allow continuation of an existing commercial farm or ranching operation on the subject tract as compared to other possible sites also located on the subject tract, including sites that are comprised of nonarable soils;

(C) No more than 12 acres of the project will be sited on high-value farmland soils described at ORS 195.300(10);

(D) No more than 20 acres of the project will be sited on arable soils;

(E) The requirements of OAR 660-033-0130(38)(h)(D) are satisfied;

(F) If a photovoltaic solar power generation facility is proposed to be developed on lands that contain a Goal 5 resource protected under the county's comprehensive plan, and the plan does not address conflicts between energy facility development and the resource, the applicant and the county, together with any state or federal agency responsible for protecting the resource or habitat supporting the resource, will cooperatively develop a specific resource management plan to mitigate potential development conflicts. If there is no program present to protect the listed Goal 5 resource(s) present in the local comprehensive plan or implementing ordinances and the applicant and the appropriate resource management agency(ies) cannot successfully agree on a cooperative resource management plan, the county is responsible for determining appropriate mitigation measures; and

(G) If a proposed photovoltaic solar power generation facility is located on lands where, after site specific consultation with an Oregon Department of Fish and Wildlife biologist, it is determined that the potential exists for adverse effects to state or federal special status species (threatened, endangered, candidate, or sensitive) or habitat or to big game winter range or migration corridors, golden eagle or prairie falcon nest sites or pigeon springs, the applicant shall conduct a site-specific assessment of the subject property in consultation with all appropriate state, federal, and tribal wildlife management agencies. A professional biologist shall conduct the site-specific assessment by using methodologies accepted by the appropriate wildlife management agency and shall determine whether adverse effects to special status species or wildlife habitats are anticipated. Based on the results of the biologist's report, the site shall be designed to avoid adverse effects to state or federal special status species or to wildlife habitats as described above. If the applicant's site-specific assessment shows that adverse effects cannot be avoided, the applicant and the appropriate wildlife management agency will cooperatively develop an agreement for project-specific mitigation to offset the potential adverse effects of the facility. Where the applicant and the resource management agency cannot agree on what mitigation will be carried out, the county is responsible for determining appropriate mitigation, if any, required for the facility.

(k) An exception to the acreage and soil thresholds in subsections (g), (h), (i), and (j) of this section may be taken pursuant to ORS 197.732 and OAR chapter 660, division 4.

(L) The county governing body or its designate shall require as a condition of approval for a photovoltaic solar power generation facility, that the project owner sign and record in the deed records for the county a document binding the project owner and the project owner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices as defined in ORS 30.930(2) and (4).

(m) Nothing in this section shall prevent a county from requiring a bond or other security from a developer or otherwise imposing on a developer the responsibility for retiring the photovoltaic solar power generation facility.

(n) If ORS 469.300(11)(a)(D) is amended, the commission may re-evaluate the acreage thresholds identified in subsections (g), (i) and (j) of this section.

**Oregon Revised Statute (ORS) 215.296:**

A use allowed under ORS 215.213 (Uses permitted in exclusive farm use zones in counties that adopted marginal lands system prior to 1993) (2) or (11) or 215.283 (Uses permitted in exclusive farm use zones in nonmarginal lands counties) (2) or (4) may be approved only where the local governing body or its designee finds that the use will not:

- (a) Force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; or
- (b) Significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.

**Harney County:**

Commercial utility facilities for the purpose of generating power for public use by sale. Approval of a use pursuant to this subsection is subject to the review criteria of Section 3.010(7)(A) & (B), and any other applicable criteria or provisions of law.

Conditional uses listed in this Ordinance may be permitted, enlarged, or altered upon authorization of the Planning Commission in accordance with the standards and procedures set forth in this article.

1. In permitting a new conditional use or the alteration of an existing conditional use the Planning Commission may impose, in addition to those standards and requirements expressly specified by this Ordinance, additional conditions which the Planning Commission considers necessary to protect the best interests of the surrounding area or the County as a whole. These conditions may include the following:

- A. Increasing the required lot size or yard dimension.
- B. Limiting the height of buildings.
- C. Controlling the location and number of vehicle access points.
- D. Increasing the street width.
- E. Increasing the number of required off-street parking spaces.
- F. Limiting the number, size, location, and lighting of signs.
- G. Requiring diking, fencing, screening, landscaping, or other facilities to protect adjacent or nearby property.
- H. Designating sites for open space.
- I. The performance characteristics of renewable energy resource production and/or power generation operations including, but not limited to: hours of operation, noise, glare, air emissions, waste handling, fire protection, water impoundments, and related environmental impacts.
- J. Require that the landowner requesting a single-family dwelling sign a statement declaring that the landowner will not in the future complain about accepted farming practices on nearby lands devoted to farm or forest use (ORS 215.293).

2. In the case of a use existing prior to the effective date of this Ordinance and classified in this Ordinance as a conditional use, any change in the use or in lot area or an alteration of structure shall conform to the requirements for conditional use.

3. The design and operation of energy facilities approved as conditional uses including, but not limited to: hours of operation, noise, glare, air and water emissions, waste handling, fire protection, water impoundments, aesthetics, and related environmental impacts.

In addition to the standards of the zone in which the conditional use is located and the general standards of this Ordinance, conditional uses shall meet the following standards:

5. Energy Facilities. For proposed facilities under Oregon Energy Facility Siting Council jurisdiction, conditional use permits shall be granted according to the siting standards of EFSC as adopted in Oregon Administrative Rules Chapter 345, or amended hereafter. For facilities not under EFSC jurisdiction (less than 25 megawatts), the following siting standards shall apply:

A. General. All facilities shall be subject to the following standards:

a. Water Quality. Facilities shall be designed and operated such that water quality in impoundments is acceptable for the water's expected use as defined by State water quality standards.

b. Scenic Quality. Facilities shall be designated and operated so as to be as compatible as practical with surrounding scenic characteristics. Insofar as practical, vegetation shall be restored on the portions of the site disturbed by construction. Upon completion of construction all temporary structures not required for future use, and all other construction debris, shall be removed.

c. Fish and Wildlife Resources. Facilities shall be designed and operated so as to protect surrounding fish and wildlife resources as much as practical. Facilities shall not jeopardize, in a material way, habitat areas, which are necessary to sustain local or migratory populations of such resources.

d. Historic and Cultural Resources. Facilities shall be designed and operated so as to minimize disturbance to historic and archeological resources. The developer shall promptly inform the County of any such resources encountered during construction or operations, and also inform the County of arrangements for preservation and interpretation of such resources.

e. Fire Protection. Facilities shall be designated and operated so as to provide reasonable fire protection measures.

f. Site Use. The site shall not be used for any purpose other than the production of renewable resources and/or electrical power, and those uses specified in the conditional use permit.

g. Pollution Discharges. Facilities shall be designed and operated in such a manner as to minimize the discharge of air and water pollution.

h. Public Health and Safety. Facilities shall be designed and operated so as to be capable of withstanding, without failure, reasonably expected loads.

i. Water Rights. Facilities shall be designed and operated so as not to infringe upon existing water rights of others as established by the Oregon Water Resources Department.

j. Socioeconomic Impact. Facilities shall be designed so as to minimize adverse socioeconomic impacts to the County, including, but not limited to, increased demands for governmental services or capital expenditures.

k. Beneficial use of Waste. Facilities shall be designed and operated so as to make beneficial use, to the extent practical, of waste and byproducts produced by the facility.

l. Waste Disposal. All waste not beneficially used otherwise shall be disposed of in compliance with all applicable laws and regulations.



m. Erosion Control. Facilities shall be designed and operated so as to minimize erosion and disturbance to natural drains.

B. Geothermal. Facilities utilizing geothermal resources shall be subject to the following standards:

a. Subsidence and Seismic Activity. Facilities shall be designed and operated so as to minimize land subsidence or induced seismic activity which would result from the production and/or injection of geothermal resources. The potential for such activity and proposed precautionary measures shall be submitted for all proposed facilities.

b. Access Protection. Facilities shall be designed and operated such that unattended equipment shall be protected from access by unauthorized persons.

c. Blow-out Control. In the event of a blow-out or other uncontrolled venting, the operator shall immediately act to control the blow-out or venting. No more than 48 hours shall elapse from the time of the blow-out or venting to the time of equipment relocation to re-secure the well.

d. Groundwater Protection. Facilities shall be designed and operated so as to maintain and protect the integrity of groundwater aquifers and geothermal reservoirs, and prevent adverse interference between them.

e. Pipelines. Facilities shall be designed and operated such that transmission pipelines do not impede vehicular traffic; are equipped with adequate catchbasins and/or drainage acceptable for condensates.

C. Wind. All facilities utilizing wind resources shall be subject to the following standards:

a. Public Health and Safety. Facilities shall be designed and operated in compliance with Ovtive Band limitations established by the Oregon Department of Environmental Quality.

b. Rotor Safety. Facilities shall be equipped with both manual and automatic controls to limit the rotational speed of the blade below the design limits of the rotor.

c. Guy Wires. Anchor points for guy wires shall be located within the property lines of the facility and not across any electric transmission lines.

d. Electromagnetic Interference. Facilities shall be designed and operated so as not to cause harmful interference with the existing microwave communications link, or other airwaves broadcasts.

e. Height. The lowest reach of the rotor shall be 75 feet from the ground, unless it can be demonstrated by the applicant that a lower height would not subject the rotor to excessive turbulence. In no case shall the rotor be less than 15 feet from the ground.

f. Wind Access. Towers shall be set back five rotor diameters from the downwind property lines in the direction of the dominant winds across the property, and two diameters from all other property lines, unless it can be demonstrated that a lesser setback can protect the wind access for the downwind properties.

D. Solar. All facilities utilizing solar resources shall be subject to the following standards:

a. Glare. Facilities shall be designed and operated so as to prevent glare or reflections from adversely affecting surrounding properties.

E. Hydro. All facilities utilizing hydro resources shall be subject to the following standards:

a. Fish Resources. Facilities shall be designed and operated so as not to jeopardize local adronimous fish populations. A program for upstream and downstream migratory game fish, food fish, and adronimous fish through the facilities shall be established.

b. Stream Flow. Facilities shall be designed and operated so as to accommodate low, normal, and flood flows of the stream. A description of the minimum flow proposed to be released during periods of low water, and a full description of the relation of any

proposed ponding of the flow to the conservation utilization of available water resources, shall be provided.

**Morrow County:**

Commercial utility facilities for the purpose of generating power for public use by sale, not including wind power generation facilities or photovoltaic solar power generation facilities subject to Subsection K.1.

Wind power generation facilities as commercial utility facilities for the purpose of generating power for public use by sale subject to Subsection K.2. (See earlier reference to Wind Energy found at OAR 660-033-0130(37) as this was incorporated directly)

Photovoltaic solar power generation facilities as commercial utility facilities for the purpose of generating power for public use by sale subject to Subsection K.3. (See earlier reference to Solar Energy found at OAR 660-033-0130(38) as this was incorporated directly)

**K. Commercial Facilities for Generating Power**

**1. Commercial Power Generating Facility.**

a. Permanent features of a power generation facility shall not preclude more than:

(1) 12 acres from use as a commercial agricultural enterprise on high value farmland unless an exception is taken pursuant to ORS 197.732 and OAR chapter 660, division 4; or

(2) 20 acres from use as a commercial agricultural enterprise on land other than high-value farmland unless an exception is taken pursuant to ORS 197.732 and OAR chapter 660, division 4.

b. A power generation facility may include on-site and off-site facilities for temporary workforce housing for workers constructing a power generation facility. Such facilities must be removed or converted to an allowed use under OAR 660-033-0130(19) or other statute or rule when project construction is complete. Temporary workforce housing facilities not included in the initial approval may be considered through a minor amendment request. A minor amendment request shall be subject to 660-033-0130(5) and shall have no effect on the original approval.

**SECTION 6.020. GENERAL CRITERIA.**

In judging whether or not a conditional use proposal shall be approved or denied, the Commission shall weigh the proposal's appropriateness and desirability, or the public convenience or necessity to be served against any adverse conditions that would result from authorizing the particular development at the location proposed and, to approve such use, shall find that the following criteria are either met or can be met by observance of conditions.

A. The proposal will be consistent with the Comprehensive Plan and the objectives of the Zoning Ordinance and other applicable policies and regulations of the County.

B. If located within the Urban Growth Boundary of a city, that said city has had an opportunity to review and comment on the subject proposal.

C. The proposal will not exceed carrying capacities of natural resources or public facilities.

**SECTION 6.030. GENERAL CONDITIONS.**

In addition to the standards and conditions set forth in a specific zone, this article, and other applicable regulations; in permitting a new conditional use or the alteration of an existing conditional use, the

Commission may impose conditions which it finds necessary to avoid a detrimental impact and to otherwise protect the best interests of the surrounding area or the County as a whole. These conditions may include the following:

- A. Limiting the manner in which the use is conducted including restricting the time an activity may take place and restraints to minimize such environmental effects as noise, vibration, air pollution, glare and odor.
- B. Establishing a special yard or other open space or lot area or dimension.
- C. Limiting the height, size or location of a building or other structure.
- D. Designating the size, number, location and nature of vehicle access points.
  - 1. Where access to a county road is needed, a permit from Morrow County Public Works department is required. Where access to a state highway is needed, a permit from ODOT is required.
  - 2. In addition to the other standards and conditions set forth in this section, a Traffic Impact Analysis (TIA) will be required for all projects generating more than 400 passenger car equivalent trips per day. A TIA will include: trips generated by the project, trip distribution for the project, identification of intersections for which the project adds 30 or more peak hour passenger car equivalent trips, and level of service assessment, impacts of the project, and mitigation of the impacts. If the corridor is a State Highway, use ODOT standards. (MC-C-8-98)
- E. Increasing the amount of street dedication, roadway width or improvements within the street right-of-way.
  - 1. It is the responsibility of the land owner to provide appropriate access for emergency vehicles at the time of development. (MC-C-8-98)
- F. Designating the size, location, screening, drainage, surfacing or other improvement of a parking area or loading area.
- G. Limiting or otherwise designating the number, size, location, height, and lighting of signs.
- H. Limiting the location and intensity of outdoor lighting and requiring its shielding.
- I. Requiring diking, screening, landscaping or another facility to protect adjacent or nearby property and designating standards for its installation and maintenance.
- J. Designating the size, height, location and materials for a fence.
- K. Protecting and preserving existing trees, vegetation, water resources, wildlife habitat or other significant natural resources.
- L. Other conditions necessary to permit the development of the County in conformity with the intent and purpose of this Ordinance and the policies of the Comprehensive Plan.