



# Oregon

Theodore R. Kubongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

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www.lcd.state.or.us



## NOTICE OF ADOPTED AMENDMENT

4/20/2010

TO: Subscribers to Notice of Adopted Plan  
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: Jefferson County Plan Amendment  
DLCD File Number 004-09

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures\*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Monday, May 03, 2010

This amendment was submitted to DLCD for review prior to adoption pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

\*NOTE: The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Margaret Boutell, Jefferson County  
Jon Jinings, DLCD Community Services Specialist  
Katherine Daniels, DLCD Farm/Forest Specialist  
Jon Jinings, DLCD Regional Representative

<paa> YA



FORM 2

DLCD

# Notice of Adoption

In person  electronic  mailed

DATE  
STAMP

DEPT OF

APR 13 2010

LAND CONSERVATION  
AND DEVELOPMENT

For Office Use Only

This Form 2 must be mailed to DLCD within 5-Working Days after the Final Ordinance is signed by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

Jurisdiction: **Jefferson County**

Local file number: **09-PA-01**

Date of Adoption: **04/07/10**

Date Mailed: **04/08/10**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD?  Yes  No Date: **02/24/2009**

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

The Jefferson County Board of Commissioners adopted an ordinance with code language to the Jefferson County Zoning Ordinance (JCZO) regulate wind energy systems throughout the County. A new section of the JCZO - 431 Wind Energy Systems describes the different types of facilities with personal exempt, small and large wind energy systems. Additional sections of the JCZO were amended to provide definitions and specify which zones permit specific types of wind energy facilities.

Does the Adoption differ from proposal? Yes but slightly.

Through the review of the proposed Wind Energy Systems it seemed appropriate to amend different sections of the JCZO to specify which zones permit which types of wind energy systems. More sections of the JCZO were amended than initially planned but all amendments are in support of the wind energy systems.

Plan Map Changed from: **N/A**

to:

Zone Map Changed from: **N/A**

to:

Location: **N/A**

Acres Involved: **N/A**

Specify Density: Previous: **N/A**

New: **N/A**

Applicable statewide planning goals:

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19

Was an Exception Adopted?  YES  NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes  No

If no, do the statewide planning goals apply?

Yes  No

If no, did Emergency Circumstances require immediate adoption?

Yes  No

DLCD file No. 004-09 (17359) [16085]



Please list all affected State or Federal Agencies, Local Governments or Special Districts: N/A

Local Contact: **Jon Skidmore, AICP**

Phone: (541) 475-4462 Extension:

Address: 85 SE "D" Street

Fax Number: 541-325-5004

City: Madras

Zip: 97741

E-mail Address:

[jon.skidmore@co.jefferson.or.us](mailto:jon.skidmore@co.jefferson.or.us)

## **ADOPTION SUBMITTAL REQUIREMENTS**

**This Form 2 must be received by DLCD no later than 5 days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s)**  
per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting, please print this **Form 2** on light green paper if available.
3. Send this Form 2 and One (1) Complete Paper Copy and One (1) Electronic Digital CD (documents and maps) of the Adopted Amendment to the address in number 6:
4. **Electronic Submittals: Form 2 – Notice of Adoption will not be accepted via email or any electronic or digital format at this time.**
5. The Adopted Materials must include the final decision signed by the official designated by the jurisdiction. The Final Decision must include approved signed ordinance(s), finding(s), exhibit(s), and any map(s).
6. **DLCD Notice of Adoption must be submitted in One (1) Complete Paper Copy and One (1) Electronic Digital CD via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.** (for submittal instructions, also see # 5)] **MAIL the PAPER COPY and CD of the Adopted Amendment to:**

**ATTENTION: PLAN AMENDMENT SPECIALIST  
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT  
635 CAPITOL STREET NE, SUITE 150  
SALEM, OREGON 97301-2540**

7. Submittal of this Notice of Adoption must include the signed ordinance(s), finding(s), exhibit(s) and any other supplementary information (see ORS 197.615 ).
8. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) of adoption (see ORS 197.830 to 197.845 ).
9. In addition to sending the Form 2 - Notice of Adoption to DLCD, please notify persons who participated in the local hearing and requested notice of the final decision at the same time the adoption packet is mailed to DLCD (see ORS 197.615 ).
10. **Need More Copies?** You can now access these forms online at <http://www.lcd.state.or.us/>. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518.

Updated December 22, 2009

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF THE STATE OF OREGON FOR  
THE COUNTY OF JEFFERSON

IN THE MATTER OF THE AMENDMENTS )  
TO THE JEFFERSON COUNTY ZONING )  
ORDINANCE TEXT TO PERMIT WIND ) Ordinance No. 0-037-10  
ENERGY FACILITIES )

**WHEREAS**, Jefferson County wants to encourage economic development opportunities and promote renewable energy production and use within the County; and

**WHEREAS**, the Planning Commission held a public hearing on March 26, 2009 and subsequently directed staff to work with the Board of Commissioners to resolve specific issues; and

**WHEREAS**, the Board of Commissioners held a public hearing on March 3, 2010 and listened to testimony from the public; and

**WHEREAS**, the Board of Commissioners directed staff to make specific changes to the proposed zoning code language to address issues raised by the public; and

**WHEREAS**, it is necessary for Jefferson County to pass an ordinance to amend the Zoning Ordinance language to permit wind energy facilities within the County; and

**WHEREAS**, Jefferson County, by this ordinance, intends to adopt the attached Exhibit B, which contains the proposed zoning, code language to permit wind energy facilities;

**NOW, THEREFORE**, the Jefferson County Board of Commissioners hereby **ORDAINS** as follows:

1. **Adoption of Findings**

The Findings of Fact and Conclusions in the attached Staff Report (Exhibit A) are hereby adopted and incorporated herein by reference as the basis for the decisions to adopt the amendments to the Jefferson County Zoning Ordinance.

2. **Amendment to Zoning Ordinance**

The text amendments to the Jefferson County Zoning Ordinance contained in the attached Exhibit B are hereby adopted and by this reference incorporated herein as if fully set forth.

3. **Severability**

The provisions of this ordinance are severable. If any section, subsection, sentence, clause or phrase of this ordinance or any exhibit thereto is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance or exhibits thereto.

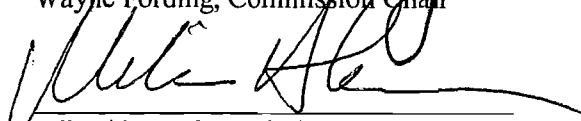
4. Effective Date

These amendments being necessary for immediate implementation, an emergency is declared to exist, and the specified amendments shall therefore take place and be effective on April 7, 2010.

DATED this 7<sup>th</sup> day of April, 2010.

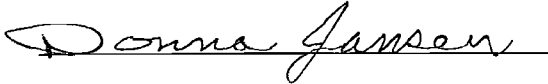
BOARD OF COMMISSIONERS:

  
Wayne Fording, Commission Chair

  
Mike Ahern, Commissioner

  
John Hatfield, Commissioner

Attest:



**Appeal Information**

Planning Casefile #09-PA-01

This decision may be appealed to the Land Use Board of Appeals within 21 days of the Jefferson County Board of Commissioners Decision. Oregon Revised Statute (ORS) 197.830 sets forth the review procedures. Copies of the Board of Commissioners decision and the state statute are available from the Community Development Department located at 85 SE "D" Street, Madras, Oregon 97741.

Board of Commissioners adoption date: April 7, 2010

The complete file is available for review at the Jefferson County Community Development Department. For further information, contact the Community Development Department. Phone (541) 475-4462.

## EXHIBIT A

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 JEFFERSON COUNTY COMMUNITY DEVELOPMENT DEPARTMENT
 

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**TO:** Jefferson County Board of Commissioners  
 Jeff Rasmussen, County Administrative Officer

**FROM:** Jon Skidmore, AICP, Planning Director/CDD Manager

**SUBJECT:** Wind Energy System Ordinances, County File 09-PA-01

**DATE:** 02/24/10

This staff report provides background and findings in support of the proposed ordinance amendments to permit wind energy systems within Jefferson County. The Planning Commission held numerous work sessions regarding the proposal and had a formal hearing on March 26, 2009. Further, the Planning Commission has been briefed twice in the past 7 months regarding proposed changes to the ordinances. The Planning Commission directed staff on January 27, 2009 to bring this proposal to the Board of Commissioners for a public hearing. Notice of this hearing was sent to all property owners in the County in compliance with Measure 56.

To summarize, the proposed amendments will allow the following types of facilities:

- Meteorological (Met) Towers.
- Personal Exempt Wind Energy Systems.
- Small Wind Energy Systems.
- Large Wind Energy Systems.

Met towers consist of towers and the instrumentation necessary to monitor wind speed, wind flow characteristics and other necessary information for specific locations. These facilities are typically installed for at least a year prior to construction/permitting of a wind energy system. In order to erect a met tower, land owners must obtain a temporary permit from the county as outlined in section 422.9 of the Jefferson County Zoning Ordinance (JCZO) as proposed.

Personal Exempt Wind Energy Systems are systems that have a 25 kilowatt maximum capability and will meet the height restrictions in the specific zoning district. Such systems are used to produce power for a single, onsite user and are complementary to existing sources of energy on site. The idea is to provide the ability for these smaller systems to be sited without a land use review process. The exceptions to this rule are facilities proposed within the Airport Management (AM) zone and Crooked River Ranch. Such proposals will require notice as outlined in section 431.3A. This is based on existing regulations in the AM zoning district and feedback from the Crooked River Ranch Community Manager.

Small Wind Energy Systems have two categories – resource and non-resource. Small Wind Energy Systems in resource zones are those facilities that produce between 25 kilowatts and 500 kilowatts. Small Wind Energy Systems in non-resource zones produce between 25 kilowatts and 200 kilowatts. These systems require a review subject to the applicable sections of 431.3 and 431.4 of the JCZO. The larger capacity facilities are proposed in the resource zones to allow farmers and ranchers to offset the large energy costs associated with irrigation and other aspects of farming.

**EXHIBIT A**

Large Wind Energy Systems also have two categories. In resource zones Large Wind Energy Facilities will range in capacity from 500 kilowatts to 104 Megawatts. In non-resource zones Large Wind Energy Facilities will range in capacity from 200 kilowatts to 104 Megawatts. Proposals for Large Wind Energy Facilities will require an intense conditional use review subject to Chapter 6, section 431 and other applicable sections of the JCZO as appropriate. For instance, Large Wind Energy Facilities proposed on Range Land (RL) zoned property will be subject to section 301.4H, as proposed. These reviews will require one-year preconstruction surveys for wildlife species and dismantling plans.

Proposed projects with capacity in excess of 105 Megawatts will be reviewed by the Energy Facility Siting Council (EFSC) which is a part of the Oregon Department of Energy. EFSC coordinates such reviews however will apply the land use standards (applicable substantive standards) in addition to other state and federal criteria. The County is contacted by EFSC but the review is conducted by that agency.

The following sections of the Jefferson County Zoning Code will be amended to permit wind energy systems.

JCZO Section	Title	JCZO Section	Title
105	Definitions	313	Airport Management Zone
301	Exclusive Farm Use Zones	314	Park Management
303	Forest Management	317	Crooked River Ranch Commercial Zone
304	Rural Residential	318	Crooked River Ranch Residential Zone
305	Service Commercial	319	Three Rivers Recreation Area Zone
306	Existing Rural Development	320	Three Rivers Recreation Area Waterfront Zone
309	County Commercial	422	Temporary Uses
311	County Industrial	431	Wind Energy Systems
312	Industrial Reserve		

Some of the highlights of the proposed amendments include the following:

- Addresses new state rules relating to siting of such facilities on agricultural land (section 301.4H).
- No facilities are permissible in the Camp Sherman Zoning Districts or the Blue Lake Zone.
- Large Wind Energy Systems are only permissible within the RL, EFU-A1, EFU-A2 and FM zones.
- Requires notice area for facilities based on height of proposed facility (¼ mile for facilities between 50 and 100 feet and ½ mile for facilities taller than 100 feet).



## EXHIBIT A

**Findings of Fact:**

The proposed code amendments are subject to section 803.1 of the Jefferson County Code.

**Section 803 Approval Criteria****803.1 Text Amendments**

**An amendment to the text of the Zoning Ordinance may be approved if the proposal complies with the following criteria:**

- A. The amendment complies with applicable Statewide Planning Goals, Oregon Revised Statutes and Administrative Rules.**

**Finding:** The proposed amendments to the JCZO comply with the applicable Statewide Planning Goals, Oregon Revised Statutes and Administrative Rules.

**Goal 1** - requires that the county provide the opportunity for citizens to be involved in the planning process. Notice of the public hearing in front of the Planning Commission to consider the proposed amendment was published in the Madras Pioneer. A Measure 56 notice was sent to the property owners in the County in preparation for the March 3, 2010 hearing with the Board of County Commissioners. The public and interested parties have the opportunity for public input and therefore this process complies with Goal 1.

**Goal 2** – To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land to assure an adequate factual base for such decisions and actions. The proposed amendments to the Zoning Code are based on policy direction from the Board of Commissioners as well as policies in the following sections of the Comprehensive Plan:

Goal 5:

- 12: Protect existing energy sources and allow development of new sources in appropriate locations.  
12.2: Small-scale solar and wind power systems should be allowed as an alternative energy source.

Goal 13:

Goal – To conserve energy.

Policy 2: Applications for new energy generation facilities, whether public or private, should consider impacts on neighboring properties.

The proposed amendments provide the ability to develop new energy facilities in appropriate locations. Small scale wind power systems are encouraged as “Personal Exempt Wind Energy Facilities” and are typically permitted outright subject to setback requirements.

The proposed amendments will reduce energy consumption by those who wish to install turbines to offset energy consumption on site. Proposals for large facilities will require notice of surrounding property owners based on the height of such structures.

Further, the proposed amendments will be consistent with Goal 9 (economic development) as it will provide job opportunities through planning, installation and maintenance of such facilities.

## EXHIBIT A

**Goal 3** – Goal 3 strives to protect and preserve agricultural land. The proposed amendments will affect Range Land (RL), Exclusive Farm Use A-1 (EFU-A1) and Exclusive Farm Use A-2 (EFU-A2), all agricultural zones, by providing a process for reviewing proposals and standards regulating siting of such facilities. Siting commercial utilities for the purpose of generating power for public use requires a conditional use permit. Formerly wind energy systems on agricultural lands were limited to a maximum of 20 acres on non-high value soils unless a Goal 3 exception was approved. The 2009 Oregon Legislature changed some of the rules pertaining to such utility facilities specific for wind facilities. Now a new analysis is required that isn't geared towards acreage limits rather it requires a detailed review of the proposal to assure that adverse impacts to agricultural operations are avoided or mitigated. The language is found at OAR 660-033-130(37). This new language is proposed as part of these amendments in JCZO section 301.4(H). The proposed amendments are consistent with Goal 3.

Wind energy systems have been sited throughout Oregon and the US in a manner that is compatible with existing farm uses. Further, the smaller wind facilities will help farmers offset some of their energy costs by providing additional energy for their operations. Numerous farmers in the County have approached the Community Development Department about building facilities to help offset the energy costs associated with irrigation systems.

**Goal 4.** Goal 4 requires protection of forest lands. The proposed changes affect the Forest Management zone by specifying processes and standards for review when locating wind energy systems in these zones. Currently the way that section 431 is proposed, a conditional use review is required for all wind energy systems except for the Personal Exempt Wind Energy Facility Systems. Small wind energy systems are proposed to be processed administratively. The proposed amendments to section 303 lists Small Wind Energy Systems as an administrative review subject to section 431. These items must be reconciled and will be done based on the direction of the County Commission. Either review process for Small Wind Energy Systems can meet state law and will be consistent with Goal 4.

**Goal 5.** Goal 5 requires the protection of natural resources, scenic and historic areas and open space. Section 431 includes standards, (431.4(A)(8)(d) and (13), for complying with the County's existing Zoning Ordinance Goal 5 protections. No changes to existing regulations to protect Goal 5 resources are proposed. Further the proposed amendments are consistent with policy 12 and 12.2 of the Goal 5 section of the County Comprehensive Plan as explained under Goal 2.

**Goal 6** requires that the air, water and land resources of the state be maintained or improved. This goal isn't directly applicable to the proposed amendments. However, by encouraging the development of renewable energy sources in the County collectively we are relying less on traditional sources of energy (coal plants) that can impact air and water quality.

**Goal 7** requires that jurisdictions protect people and property from natural hazards. Section 431.4(A)(8)(d) requires compliance with the County's Natural Hazard Rim Set Back, and this will provide adequate protection from natural hazards, in compliance with Goal 7.

**Goal 8** is to provide for the recreational needs of citizens of the state. This proposed amendment is not subject to the Goal.

**EXHIBIT A**

**Goal 9** requires jurisdictions to provide adequate opportunities for economic development. Wind Energy Systems would support economic development, in accordance with Goal 9.

**Goal 10** requires that sufficient buildable lands be provided in urban and urbanizable areas to provide for the housing needs of the citizens of the state. The proposed amendments are not subject to Goal 10.

**Goal 11.** To develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development. The proposed amendments are aimed at permitting wind energy systems throughout Jefferson County in appropriate locations. This additional energy production could contribute to the energy needs of the County if connected to the grid. Additional renewable energy sources to serve the County is consistent with Goal 11 and the state mandate for utilities to provide 25% of their energy needs through renewable sources by the year 2025.

**Goal 12** requires jurisdictions to provide a safe, convenient and economic transportation system. The County's Public Works Director has provided feedback on this proposal. He indicates the need for a Road Maintenance Agreement for large wind energy systems. Other counties have experienced a lot of wear and tear on their roads after such systems were placed. Section 431.4(A)(1)(a) protects road rights-of-way from tower falls. Working with applicants to assure compliance with Section 12.18 of the Jefferson County Code, and a requirement to enter into a Road Maintenance Agreement for Large and Commercial wind energy systems, will protect County roads and assure consistency with Goal 12.

**Goal 13** relates to the conservation of energy. By adding wind energy systems to the current energy production systems, fewer coal, gas, and other systems will need to be built, meeting this goal.

**Goal 14** requires an orderly transition from rural to urban land uses. This Goal is not applicable to the proposed amendment.

**Oregon Revised Statutes and Administrative Rules:**

The ability to site Wind Energy Systems within Jefferson County does not conflict with any state laws. In fact in 2009 section 660-033-130(37) of the Oregon Administrative Rules was changed to allow siting of wind facilities on agricultural land subject to specific analysis and review. The rule assures that agricultural operations are not adversely impacted. The language of this rule is in section 301.4(H) of the proposed amendments to the JCZO.

**B. The amendment will be consistent with all applicable Comprehensive Plan goals and policies.**

**Finding:** As discussed above this proposal is consistent with the applicable sections of the Comprehensive Plan goals and policies. There are specific areas of the Comprehensive Plan that encourage energy production in appropriate areas.

In the Goal 5 section of the Comprehensive Plan specific policies encourage such development:

**EXHIBIT A**

- 12: Protect existing energy sources and allow development of new sources in appropriate locations.
- 12.2: Small-scale solar and wind power systems should be allowed as an alternative energy source.

In the Goal 13 section of the Comprehensive Plan there are policies directed at conserving energy and assuring appropriate placement of such facilities:

Goal – To conserve energy.

Policy 2: Applications for new energy generation facilities, whether public or private, should consider impacts on neighboring properties.

The collective proposed amendments to the JCZO aim to permit a variety of wind energy facility systems throughout Jefferson County. Encouraging such facilities and assuring appropriate reviews of such facilities can result in a regulatory framework where such proposals can be reviewed and adverse impacts mitigated or avoided.

Based on the wind resources in the County it is likely that proposals will be for smaller capacity systems that aim to supplement existing energy sources on specific sites. The feasibility for larger projects depends on access to consistent wind resource (average speed of 12 mph or more), proximity to transmission and capacity within the existing grid. Obviously these issues are beyond the control of the County but by adopting a coordinated regulatory framework to review such proposals, it will allow residents of Jefferson County to develop such facilities to fit their needs.

**Staff Recommendation:**

Based on the findings above, staff recommends that the Board of County Commissioners:

- Conduct public hearing and consider public testimony. Reconcile the review process for Small Wind Energy Systems within the Forest Management zone (administrative review or conditional use review).
- Direct staff to revise the findings and proposed amendments as necessary to address public concerns.
- Direct staff to prepare an Ordinance for the adoption of the proposed JCZO amendments in support of Wind Energy Systems.
- Set a date for consideration of the adoption Ordinance.

**EXHIBIT B**

Text Amendments to the following sections of the Jefferson County Zoning Ordinance:

- 105 – Definitions
  - 301 – Exclusive Farm Use Zones
  - 303 – Forest Management (FM)
  - 304 – Rural Residential
  - 305 – Service Community (SC)
  - 306 – Existing Rural Development (ERD)
  - 309 – County Commercial (CC)
  - 311 – County Industrial (CI)
  - 312 – Industrial Reserve (IR)
  - 313 – Airport Management (AM)
  - 314 – Park Management (PM)
  - 317 – Crooked River Ranch Commercial Zone (CRRC)
  - 318 – Crooked River Ranch Residential Zone (CRRR)
  - 319 – Three Rivers Recreation Area Zone (TRRA)
  - 320 – Three Rivers Recreation Area Waterfront Zone (TRRAW)
  - 422 – Temporary Uses
  - 431 – Wind Energy Systems
-



## Section 105(B) DEFINITIONS

**Fall zone:** The potential fall area for the wind energy system. It is measured by using 110% of the total height as the radius around the center point of the base of the tower.

**Large wind energy system:** A total wind energy system, consisting of one or more wind energy systems, which altogether have a rated capacity of greater than 200 kilowatts in non-resource zoning districts and greater than 500 kilowatts in resource zoning districts and less than 105 megawatts and will be used to generate electricity.

**Meteorological tower (met tower):** Includes the tower, base plate, anchors, guy wires and hardware, anemometers (wind speed indicators), wind direction vanes, booms to hold equipment for anemometers and vanes, data loggers, instrument wiring, and any telemetry devices that are used to monitor or transmit wind speed and wind flow characteristics over a period of time for either instantaneous wind information or to characterize the wind resources at a given location.

**Net metering:** The difference between the electricity supplied over the electric distribution system and the electricity generated by the small wind energy system which is fed back into the electric distribution system over a billing period.

**Personal exempt wind energy system:** A wind energy system with a maximum rated capacity of 25 kilowatts. The tower height of the system shall be less than the maximum height within the zone the system is proposed. These systems are used to produce power for a single, onsite user that complements other onsite energy sources. These facilities typically do not require a land use review.

**Power grid:** The transmission system created to balance the supply and demand of electricity for consumers in Oregon.

**Small Wind Energy System:** On one parcel, one or more wind energy systems which altogether have a rated capacity of not more than 200 kilowatts in non-resource zoning districts and not more than 500 kilowatts in resource zoning districts.

**Tower:** The monopole, freestanding, or guyed structure that supports a wind generator.

**Total height:** The vertical distance from ground level to the tip of the wind generator blade when it is at its highest point.

**Tower height:** The height above grade of the fixed portion of the tower, excluding the wind generator.

**Wind energy system:** Equipment that converts kinetic energy of the wind into rotational energy used to generate electricity. This equipment includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries, or other component used in the system.

**Wind generator:** The blades and associated mechanical and electrical conversion components mounted on top of the tower.

**Proposed Amendments to the JCZO  
Supporting Wind Facilities**

**0-037-10**

Section 301 Exclusive Farm Use Zones (EFU A-1, EFU A-2 & RL)

301.2 Permitted Uses

The following uses are permitted outright in the EFU A-1, EFU A-2 and RL zones:

**P. Personal exempt wind energy facilities.**

301.3 Uses Permitted Subject to Administrative Review

The following uses may be approved by the Planning Director under the Administrative Review procedures in Section 903.4, subject to findings of compliance with the listed standards and criteria and any other applicable requirements of this ordinance:

**R. Small Wind Energy Systems subject to compliance with section 431 of this Ordinance.**

Section 301.4: Conditional Uses (as per OAR 660-033-0130 Adopted in January, 2009)

- H. Commercial utility facilities for the purpose of generating power for public use by sale. A power generation facility shall not preclude more than 20 acres from farm use as a commercial agricultural enterprise unless an exception is taken pursuant to ORS 197.732 and OAR 660, Division 4, or more than 12 acres if the land is high-value farmland.

**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. 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 County 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**



**Proposed Amendments to the JCZO  
Supporting Wind Facilities**

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 Section 301.4(H)(2)(d) are satisfied.**
4. **In the event that a wind power generation facility is proposed on a combination of arable and nonarable lands as described in Section 301.4(H)(2) and (3) the approval criteria of Section 301.4(H)(2) shall apply to the entire project.**



Proposed Amendments to the JCZO  
Supporting Wind Facilities

0-037-10

Section 303 - Forest Management (FM)

303.2 Uses Permitted Outright

In a Forest Management Zone the following uses are permitted outright. However, any use involving the construction of a building must be reviewed by the Planning Director under the Administrative Review procedures of Section 903.4 for compliance with the siting standards in Section 303.7, the fire safety standards in Section 426 and any other requirements of this ordinance:

**O. Personal exempt wind energy facilities.**

303.3 Uses Permitted Subject to Administrative Review

The following uses may be approved by the Planning Director under the Administrative Review procedures in Section 903.4, if found to comply with the approval criteria in Section 303.5, the siting standards in Section 303.7, the fire safety standards in Section 426, and any other applicable requirements of this ordinance.

**O. Small Wind Energy Systems subject to compliance with section 431 of this Ordinance.**

## Section 304 - Rural Residential (RR-2, RR-5, RR-10, RR-20)

Purpose: The Rural Residential (RR) Zones are intended to provide for low-density rural residential home-sites in sparse settlements in an open space environment. RR zones provide standards for rural land use and development consistent with desired rural character and the capability of the land and natural resources.

In RR Zones, the following regulations shall apply:

### A. Uses Permitted Outright.

The following uses and their accessory uses are permitted outright:

1. One single-family dwelling or a manufactured home subject to Section 408.
2. Crop cultivation or farm gardens.
3. Raising of livestock, subject to Section 407.
4. Day Care Home.
5. Residential homes.
6. Limited Home Occupation, pursuant to Section 410.1.
7. Non-residential accessory buildings such as pole barns, garages, shops, riding arenas, animal barns, hay storage, etc. that will be accessory and subordinate to an existing residence on the same parcel. No semi-trailers, shipping containers or converted manufactured dwellings shall be permitted or used for onsite storage purposes.
- 8. Personal exempt wind energy facilities. The wind energy system's manufacturer's sound level estimate shall be in compliance with noise regulations established by the Oregon Department of Environmental Quality in OAR Chapter 340, Division 35.**

### B. Administrative Uses.

The following uses and their accessory uses may be approved by the Planning Director under the Administrative Review procedures in Section 903.4 if found to comply with the listed criteria:

1. Home Occupation, subject to compliance with the standards and criteria in Section 410.

2. Temporary medical hardship dwelling, subject to compliance with the standards and criteria in Section 422.3.
3. Utility and communication facilities, subject to Site Plan Review in accordance with Section 414. Approval of a wireless communication tower is also subject to the requirements of Section 427.

C. Conditional Uses

The following uses and their accessory uses may be approved by the Planning Commission following a public hearing in accordance with the procedures in Section 903.5 if found to comply with the conditional use criteria in Section 602:

1. Public buildings, structures and uses
2. Church, grange, cemetery, community center, school and similar uses.
3. Day Care Facility.
4. Golf Course.

D. Minimum Lot Size:

1. The minimum lot size for new parcels shall be 2 acres in the RR-2 zone.
2. The minimum lot size for new parcels shall be 5 acres in the RR-5 zone.
3. The minimum lot size for new parcels shall be 10 acres in the RR-10 zone.
4. The minimum lot size for new parcels shall be 20 acres in the RR-20 zone.

E. Setback Requirements (minimum): Front - 30 feet, Side - 15 feet, Rear - 15 feet.

F. Height Requirements: The maximum structure height shall be 35 feet, except as authorized by Section 504.

G. Outdoor Lighting: Outdoor lighting shall comply with the standards in Section 405.

H. Fire Safety Standards: All new construction shall comply with the fire safety standards in Section 426.

## Section 318 - Crooked River Ranch Residential Zone (CRRR)

### A. Uses Permitted Outright:

The following uses and their accessory uses are permitted outright.

1. One single-family dwelling or a manufactured home subject to Section 408.
2. Crop cultivation or farm gardens.
3. Public Parks.
4. Residential Home.
5. Day Care Home.
6. Raising of Livestock, subject to compliance with the standards in Section 407.
7. Limited Home Occupation, pursuant to Section 410.1.
8. Non-residential accessory buildings such as pole barns, garages, shops, riding arenas, animal barns, hay storage, etc. that will be accessory and subordinate to an existing residence on the same parcel. No semi-trailers, shipping containers or converted manufactured dwellings shall be permitted or used for onsite storage purposes.

### B. Administrative Uses:

The following uses and their accessory uses may be approved by the Planning Director under the Administrative Review procedures in Section 903.4 if found to comply with the listed criteria:

1. Home Occupation, subject to compliance with the standards and criteria in Section 410.
2. Temporary Medical Hardship Dwelling, subject to Section 422.3.
3. Utility and communication facilities, subject to Site Plan Review in accordance with Section 414. Approval of a wireless communication tower is also subject to the requirements of Section 427.
4. **Personal exempt wind energy system subject to the notification requirements in section 431.3A of this ordinance.**

### C. Conditional Uses:

The following uses and their accessory uses may be approved by the Planning Commission following a public hearing in accordance with the procedures in Section 903.5 if found to comply with the conditional use criteria in Section 602:

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1. Church, grange, cemetery, community center, school and similar uses.
  2. Public buildings, structures and uses.
  3. Day care facility, rest homes, or nursing homes.
- D. Occupancy of Recreational Vehicles
1. Seasonal occupancy of a Recreational Vehicle on a vacant parcel by the property owner or an invited guest is permitted to continue as a nonconforming use, provided:
    - a. A septic permit was issued and an onsite septic system was installed prior to July 8, 1994;
    - b. An RV permit was issued by the County; and
    - c. The use has not been discontinued for a period of more than one year.
  2. For purposes of this section, "seasonal" means a period of six months or less in any calendar year.
  3. Seasonal occupancy of a Recreational Vehicle is considered to be a nonconforming residential use of the property, which shall end when a permanent residence is placed on the property.
- E. Riparian Protection Standards:  
All structures and uses shall comply with the riparian protection standards of Section 419, if applicable, including the requirement that buildings within one-half mile of a state scenic waterway or federal wild and scenic river be finished in natural wood or earth tone colors if the building will be visible from the river.
- F. Minimum Lot Size: Minimum lot size for new lots and parcels shall be ten (10) acres.
- G. Setback Requirements (minimum): Front - 30 feet, Side - 15 feet, Rear - 15 feet.  
Rim setback distance shall be in accordance with the standards in Section 412
- H. Height Requirements: No building or structure shall be erected or enlarged to exceed thirty-five (35) feet in height, except as authorized by Section 504.
- I. Fire Safety Standards: All new construction shall comply with the fire safety standards in Section 426.
- J. Outdoor Lighting: Outdoor lighting shall comply with the standards in Section 405.



## Section 320 - Three Rivers Recreation Area Waterfront Zone (TRRAW)

The purpose of the Three Rivers Recreation Area Waterfront Zone is to allow commercial uses of a type and scale appropriate to serve the needs of the rural community, water oriented recreation and limited tourist needs. The zoning requirements are to insure that such commercial activities are harmonious with the rural character of the area.

In a TRRAW Zone, the following regulations shall apply:

### A. Uses Permitted Outright:

1. The following uses are permitted subject to the standards of Jefferson County:
  - a. Marina/Boat Launch Facilities, including dock, floating breakwaters, boat slips, and fueling areas existing on September 1, 1992, in the area designated TRRAW Zone.
  - b. Houseboat/Water Oriented Craft Rental Business, business office and caretaker's residence existing on September 1, 1992, in the area designated TRRAW Zone.
  - c. Parks, Playground, Community Beach & Recreation Facility existing on September 1, 1992, in the area designated TRRAW Zone.
  - d. Grocery/General Store and caretaker's residence existing on September 1, 1992, in the area designated TRRAW Zone.
  - e. Mobile Food Vendor, subject to Section 422.5.
  - f. Personal exempt wind energy system.**
2. Any permitted use in the TRRAW Zone may be continued, but may not be altered or expanded except in accordance with the requirements for a conditional use in Chapter 6.
  - a. If any existing permitted use in the TRRAW Zone is destroyed by any cause the use may be replaced in substantially the same condition and the use continued as existing prior to the destruction.
  - b. Alteration or expansion of permitted uses shall be limited by the following:
    1. Fueling areas shall be limited to 2 locations.
    2. Boat slips shall be limited to 300 for watercraft under 24 feet in length and an additional maximum of 100 boat slips for watercraft exceeding 24 feet in length.

3. Grocery/General store shall not exceed 3,000 square feet.

B. Conditional Uses

The following uses and their accessory uses may be approved by the Planning Commission following a public hearing in accordance with the procedures in Section 903.5 if found to comply with the conditional use criteria in Section 602 and the Site Plan Review standards in Section 414:

1. Fuel Storage Tanks not to exceed a total of 15,000 gallons storage.
  2. RV Campsite (for temporary/seasonal use as caretaker quarters for any approved use) not to exceed two RVs.
  2. RV Dumping/Waste Disposal Facility.
  4. RV Storage Facility not to exceed 50 stored units.
  5. Restaurant not to exceed 2,500 square feet of building floor area.
  6. Grocery/General Store not to exceed 3,000 square feet of building floor area.
  7. Retail Sporting Goods Outlet not to exceed 2,500 square feet of building floor area.
  8. One Gasoline Station.
  9. Single-Family Dwelling (to serve as caretaker quarters for a permitted or conditional use).
  10. Self-Service Laundry Facility not to exceed 1,000 square feet of building floor area.
- C. Minimum Lot Size and Setback Requirements: There is no minimum lot size or setbacks in the TRRAW zone, except as required by Section 419.
- D. Building Size Limitations: No separate building containing a single permitted or conditional use may exceed 3,000 square feet of building floor area. Buildings containing two or more permitted or conditional uses may not exceed 5,500 square feet of building floor area.
- E. Fire Protection Standards: Development shall comply with the fire safety standards in Section 426.
- F. Riparian Protection: All structures and uses shall comply with the riparian protection standards in Section 419, if applicable.
- G. Outdoor Lighting: Outdoor lighting shall comply with the standards in Section 405.

H. Signs: Signs shall comply with the standards in Section 406.

## Section 422 – Temporary Uses

Temporary uses may be allowed in any zone subject to the provisions of this section. The temporary use shall be discontinued upon expiration of the time period allowed for the use, and the site returned to its previous condition. Permanent buildings or structures shall not be constructed as part of a temporary use.

### 422.1 Temporary Occupancy of Recreational Vehicles

Recreational vehicles do not generally meet Oregon State Structural Specialty Code standards and specifications for permanent residential use. Recreational Vehicles may be occupied temporarily subject to the following standards:

- A. A recreational vehicle shall not be connected to a subsurface septic system or have any permanent connection to water, electrical or other utility that is customarily provided to a permanent residence except in the Three Rivers Recreation Area Zone, the Crooked River Ranch Residential Zone as provided in Section 318(D), or during construction of a residence as provided for in subsection (D) of this section.
- B. A recreational vehicle shall not be used for permanent habitation.
- C. A recreational vehicle may be used for temporary housing to accommodate visitors of the current resident of the property for a maximum of 60 days in any 12-month period.
- D. When a building permit is issued for the construction, remodeling or replacement of a residence, a recreational vehicle may be occupied by the property owner during construction. A recreational vehicle permitted under this subsection may be connected to the subsurface septic system that serves the residence provided necessary plumbing permits and inspections are obtained. The recreational vehicle shall be removed from the property if the building permit expires.

### 422.2 Temporary Storage of A Manufactured Dwelling

One manufactured dwelling may be temporarily stored on a parcel for a period of six months upon issuance of a temporary storage permit by the county. One six month extension may be granted for good cause as determined by the Planning Director through the Administrative Review procedures of Section 903.4. While stored, the manufactured dwelling must comply with the following standards:

- A. The manufactured dwelling shall not be occupied or otherwise used for residential purposes;
- B. There shall be no plumbing or sewer connections to the stored manufactured dwelling;

- C. All required setbacks shall be met; and
- D. The manufactured dwelling shall not be located in a flood hazard area.

#### 422.3 Temporary Medical Hardship Dwelling

- A. During a medical hardship condition the Planning Director may authorize the temporary placement of a manufactured home, or recreational vehicle, or the temporary residential use of an existing building on a lot or parcel, subject to the Administrative Review procedures in Section 903.4, and if the following criteria are met:
  - 1. The temporary medical hardship dwelling will be occupied by a relative of the existing resident of the property, if the relative suffers from a medical hardship, or by a caregiver for the existing resident, if the resident suffers from the hardship. "Relative" includes a child, parent, stepparent, grandchild, grandparent, stepgrandparent, sibling, stepsibling, niece, nephew or first cousin. "Hardship" means a medical hardship or hardship for the care of an aged or infirm person or persons.
  - 2. A physician's statement has been submitted verifying that the person with the hardship is physically or mentally incapable of maintaining a separate residence and needs to be near a caregiver who will provide assistance.
  - 3. The additional dwelling will use the same subsurface sewage disposal system used by the existing dwelling if the County Sanitarian determines that the system is adequate to accommodate the additional dwelling. If the County Sanitarian determines that an additional septic system must be installed, a condition of approval will require that one of the septic systems be decommissioned when the hardship is over.
  - 4. The temporary dwelling shall be located within 300 feet of the existing permanent dwelling on the property and shall use the same driveway access, unless the proposal is for the temporary residential use of an existing building that is more than 300 feet away.
  - 5. The location and use of the temporary dwelling otherwise conforms to any additional standards and criteria of the zone where the dwelling will be located and this ordinance.
- B. A temporary medical hardship dwelling shall be authorized for a period not to exceed two years from the date of initial approval. The authorization may be renewed for additional two year periods provided that all requirements of the original approval continue to be met and a letter from a physician is submitted stating that the person with the hardship continues to require care and assistance.



- C. Within three months of the end of the hardship, the temporary manufactured dwelling or recreational vehicle shall be removed or demolished or, in the case of an existing building, the building shall be removed, demolished or returned to an allowed nonresidential use. However, a temporary manufactured home or existing building that has been converted to residential use may become the permanent residence if the formerly permanent dwelling is removed or demolished within three months of the end of the hardship and any requirements for replacement dwellings are met. "End of the hardship" means the person with the hardship no longer resides on the property or no longer requires care and assistance.

#### 422.4 Temporary Sales

- A. Outdoor sales of seasonal items, such as Christmas trees, are allowed for a maximum of 30 days in any 12-month period.
- B. One garage or yard sale held by the current resident of the property is allowed in any 3-month period. The duration of the sale shall not exceed three consecutive days.

#### 422.5 Mobile Food Vendors

- A. Temporary mobile food vendors such as ice cream trucks that travel from site to site throughout the day and that are not parked at any site for more than one hour at a time are permitted outright in any zone.
- B. Temporary mobile food vendors that will be parked at any site for more than one hour at a time are permitted in the County Commercial, County Industrial, Three Rivers Recreation Area Waterfront, Airport Management and Park Management zones provided:
  - 1. The vendor has written authorization from the property owner where the mobile food unit will be located;
  - 2. All county and state health regulations are met;
  - 3. Adequate off-street parking is provided for customers;
  - 4. The mobile food unit and any associated vehicles or structures will remain on any one site for less than 24 continuous hours.
  - 5. The mobile food unit will be located on any parcel no more than 90 days in any 12 month period.

## 422.6 Mass Gatherings

No person shall hold, conduct, advertise or otherwise promote an outdoor mass gathering or allow an outdoor mass gathering to be held on real property he or she owns, leases or possesses unless a permit to hold the mass gathering has been issued by the County. A maximum of one mass gathering may be permitted in any three-month period when in compliance with the provisions of this section. A permit for a mass gathering does not entitle the organizer to make any permanent physical alterations to or on the real property which is the site of the gathering.

## A. Outdoor Mass Gathering

An outdoor mass gathering is an actual or reasonably anticipated assembly of more than 3,000 persons, which continues or can reasonably be expected to continue for more than 24 consecutive hours but less than 120 hours, and which is held primarily in open spaces and not in any permanent structure. "Permanent structure" includes a stadium, arena, auditorium, fairgrounds or other similar established place for assemblies.

1. Review of an application for an outdoor mass gathering permit shall be by the Board of Commissioner, in accordance with the provisions in Subsections (C) and (D).
2. Issuance of a permit for an outdoor mass gathering is not a land use decision and is not subject to review by the state Land Use Board of Appeals (LUBA). Any decision on an application for a permit to hold an outdoor mass gathering may be appealed to the Circuit Court.

## B. Extended Outdoor Mass Gathering

An extended outdoor mass gathering is an actual or reasonably anticipated assembly of more than 3,000 persons, which continues or can reasonably be expected to continue for more than 120 hours, and which is held primarily in open spaces and not in any permanent structure.

1. Review of an application for an extended outdoor mass gathering shall be by the Planning Commission in accordance with the provisions in Subsections (C) and (D) and the procedures in Section 903.5. The permit shall be approved if the organizer submits an application showing compliance with all of the following:
  - a. The proposal complies with any applicable regulations of the zone where the gathering will be held;
  - b. The proposed gathering is compatible with existing land uses; and
  - c. The proposed gathering will not materially alter the stability of the overall land use pattern of the area.

2. A decision granting or denying a permit under this section may be appealed to the Board of Commissioners, in accordance with the provisions of Section 907.3.

C. Application Procedures

1. An application for a mass gathering shall include the following information:
  - a. Name and address of the applicant;
  - b. The map and tax lot number(s) and address, if any, of the place where the proposed gathering will be held;
  - c. Date(s) of the proposed gathering;
  - d. Nature of the proposed gathering;
  - e. Evidence that the organizer of the proposed gathering can comply with all health and safety rules for mass gatherings adopted by the Oregon Department of Human Services for the anticipated crowd.
2. The County Sheriff, County Health Officer and Chief of the fire district in which the gathering is to be held shall be sent notice of the application, and may submit written comments on the proposal, including a recommendation as to whether the permit should be granted, or recommended conditions that should be imposed.

D. Insurance

If, upon examination of the application, the Planning Commission or Board of Commissioners determines that the mass gathering creates a potential for injury to persons or property, the organizer may be required to obtain an insurance policy in an amount commensurate with the risk, but not exceeding \$1 million. The policy of casualty insurance shall provide coverage against liability for death, injury or disability of any human or for damage to property arising out of the mass gathering. The County shall be named as an additional insured under the policy.

E. Clean-up

In the event of failure to remove all debris or residue and repair any damage to personal or real property arising out of the mass gathering within 72 hours after its termination, and to remove any temporary structures used at the gathering within three weeks after its termination, the county may file suit against the organizer for financial settlement as is needed to remove debris, residue or temporary structures and to repair such damage to real or personal property of persons not attending the mass gathering. The organizer shall be wholly responsible for payment of any fines imposed under ORS 433.990(6).

**422.7 Construction Offices**

A temporary construction office trailer may be placed on a construction site when needed by the contractor. The office may not be used for residential purposes, and must be removed upon completion of the construction project.

**422.8 Response to Natural Disasters and Emergencies**

Temporary uses and placement of temporary structures needed as a result of an emergency declared by the Board of Commissioners, State of Oregon or Federal Government are allowed. When the state of emergency has ended, the temporary uses shall cease and all structures shall be removed unless they are allowed outright in the zone in which they are located, or an application has been submitted to allow the use or structure to become permanent.

**422.9 Meteorological (Met) Towers:**

- A. The Planning Director may authorize the placement of a Met Tower subject to review and compliance with sections 431.2A, 431.3A1 and 431.3A2.**
- B. A temporary permit for a Met Tower shall be authorized for a period not to exceed two years from the date of initial approval. Additional one year extensions may be authorized where applicable criteria for the decision have not changed, and a review of any complaints has been conducted. The request for extension must comply with Section 910.**
- C. Upon expiration of a temporary permit for a Met Tower, the owner/applicant shall dismantle the facility within 6 months of permit expiration. Applications for ensuing, related wind facilities will not be processed until Met Towers are dismantled. If no wind energy facility is proposed and the Met Towers remain beyond the permitted period Jefferson County will initiate code enforcement action.**

**422.10 Other Temporary Uses**

Other temporary uses may be approved by the Planning Director under the Administrative Review procedures in Section 903.4 if the proposed use will have a minimal adverse impact on surrounding properties and roads, taking into consideration the location, proposed duration and operating characteristics of the use.

## Section 431 – Wind Energy Systems

### 431.1 Purpose:

The purpose of this Section is to accommodate wind energy systems in appropriate locations, while minimizing adverse visual, safety and environmental impacts of the systems. In addition, this ordinance provides a permitting process that supports a safe and balanced approach to installation and use of wind energy systems and allows for the prompt and complete removal of towers and related structures when no longer needed.

This section sets forth a permitting process for the following types of wind energy systems:

- Personal Exempt Wind Energy Systems.
- Meteorological (Met) Towers
- Small Wind Energy Systems
- Large Wind Energy Systems
- Wind Energy Systems governed by the State of Oregon’s Energy Facility Siting Council (EFSC)

### 431.2 Applicability:

- A. **Personal exempt wind energy system.** The construction of a personal exempt wind energy system as defined in section 105 is not typically subject to an administrative review or other land use review. All building permit applications for such systems shall be reviewed for compliance with section 431.4A(1).
- B. **Meteorological (Met) Towers:** The construction of one or more met towers for the purpose of collecting data to determine the wind resource at a site shall abide with the following requirements:
1. The construction, installation or modification of a met tower shall require a temporary use permit, notification to surrounding property owners per Section 431.3, and building permits, and shall conform to all applicable sections of the state building code.
  2. Met towers shall be permitted on a temporary basis not to exceed two (2) years per section 422.9. Additional one year extensions may be authorized where applicable criteria for the decision have not changed, and a review of any complaints has been conducted. The request for extension must comply with Section 910.
  3. Prior to the issuance of a building permit, the County will review to ensure the met tower conforms to the small wind energy system standards in Section 431.4(A).
  4. Exception: the placement of three or fewer met towers on any parcel, provided they do not exceed 35 feet or the height limitation for the zone, whichever is less.
- C. **Small Wind Energy Systems:** Small wind energy systems shall be permitted by administrative review with the following provisions or exceptions:

1. Notification to surrounding property owners per Section 431.3 is required in all zones within the County for systems over 50 feet in height.
2. Commercial systems to be located in the EFU zone shall be processed as a conditional use.

- D. Large Wind Energy Systems shall be permitted under a conditional use and site plan review permit process.**
- E. Wind Energy Systems governed by the State of Oregon's Energy Facility Siting Council (EFSC) shall be permitted by EFSC in coordination with the County.**

#### **431.3 Application Requirements:**

**An application must be submitted to erect a wind energy system or to increase the height or ground area of an existing wind energy system.**

- A. Met Tower and Small Wind Energy System Application Requirements:**
1. For towers or systems over 50 feet in height, the applicant shall provide the Planning Director with information for a notice as outlined in (a) through (c). Upon receipt of a complete application, the County shall mail a written notice of the proposed construction of a wind energy system to all property owners of record within a radius of 1,320 feet distance from a system that is over 50 feet and up to 100 feet in height, and within 2,640 feet from a tower over 100 feet in height. No notice is required for wind systems 50 feet or less in total height. The notice shall include the following:
    - a. A vicinity map showing the proposed tower location and all tax lots within the notification area centered on the proposed location;
    - b. A drawing showing the appearance of the proposed wind energy system; and
    - c. A statement requesting that property owners provide the Planning Director with any written comments regarding the proposed wind energy system within 15 days from the date the notice is mailed (include the address of the Planning Department).
  2. A site plan showing the following:
    - a. Township, range, section and tax lot number.
    - b. Property lines and physical dimensions of the applicant's property.
    - c. Names and location of all streets or roads adjacent to the property.
    - d. Location of and distance from all major features (i.e., rims, canals, irrigation ditches, rock ledges, rivers and streams).
    - e. Existing or proposed fencing.
    - f. Identify with dotted lines the location of any Easements and Deed Restrictions.
    - g. Location of the proposed small wind energy system, foundations, guy anchors and associated equipment.
    - h. Setbacks as outlined in Section 431.4(A)(1)
    - i. Location of overhead power lines, with the length indicated.
    - j. State and Federal resource lands, Goal 5 areas, and other protected areas within 3,000 ft. of the project site.

- k. A map showing the existing topography of the site including water bodies, waterways, wetlands and drainage channels.
  - l. Location and distance to residences and/or businesses, and public or private airports or airstrips.
3. Small wind energy system specifications, as provided by the manufacturer, including model, rotor diameter, tower height, tower type (freestanding or guyed), sound level estimate, and tower foundation drawing.
  4. If the small wind energy system will be connected to the power grid, documentation shall be provided regarding the notification of the intent with the utility regarding the applicant's installation of a small wind energy system.
  5. A written report addressing the Wind Energy System Approval Standards in Section 431.4 and:
    - a. In the case of a Wind Power Generation Facility located on high-value farmland soils, compliance with Section 301.4(H) is required.
    - b. In the case of a Wind Power Generation Facility located in the FM zone, compliance with Section 303.4(F) is required.
- B. Large Wind Energy System Application Requirements:**
1. All of the application requirements in 431.3(A).
  2. Provide a written report of how the system meets each of the criteria in Section 602 Conditional Use Approval Criteria, and Section 414 Site Plan Review.
  3. Provide a one-year pre-construction survey for wildlife species of concern, a map and classification of fish and wildlife habitat impacted by the development, and a plan outlining the proposed mitigation to any impacted habitat and/or impacts to the following wildlife species:
    - a. State and federally listed endangered, threatened, sensitive, and special status species.
    - b. Bats and raptors
    - c. Species of local sport and economic importance.
  4. Provide a plan to control noxious weeds.
  5. For the Building Permit, a wet stamp by a licensed professional engineer is required.
- C. Wind Energy Systems governed by the State of Oregon's Energy Facility Siting Council (EFSC)**
1. Evidence of submittal to the Oregon Department of Energy's Energy Facility Siting Committee.

#### **431.4 Approval Standards**

Through the appropriate permit review process, wind energy systems will be evaluated for compliance with the following standards:

- A. Small Wind Energy System Approval Criteria**
1. **Setbacks:** Small wind energy systems shall be set back a distance equal to 110% of the total height of the small wind energy system from:

- a. Any public road right-of-way and/or irrigation district canal or road easement, unless written permission is granted by the governmental entity with jurisdiction over the road, canal, or easement.
  - b. Any dwelling inhabited by humans on neighboring property (does not apply to property owner's dwelling).
  - c. Any overhead utility lines.
  - d. All property lines, unless the affected land owner provides written permission through a recorded perpetual easement allowing the small wind energy system's fall zone to overlap with the abutting property.
  - e. Any travel ways to include but not be limited to driveways, parking lots, nature trails, or sidewalks (does not apply to travel ways owned by property owner).
  - f. Small wind energy systems must meet all setbacks for the zoning district in which the system is located.
  - g. The setback shall be measured to the exterior of the tower's base.
  - h. Guy wires used to support the tower are exempt from the small wind energy system setback requirements, except that anchor points for guy wires shall be located within the property lines of the facility, unless the affected land owner provides written permission through a recorded easement allowing the guy wires and/or anchor points to be placed on the abutting property, and not across any electric transmission lines, in-ground power or water utility lines, or irrigation district easements.
  - i. Wind energy systems shall not be located within an identified bird nesting site.
  - j. Wind energy systems, pads, roads and accessory uses shall be sited to strictly minimize the amount of farmland taken out of production, both directly, in chosen development sites, and indirectly, in awkward land configurations resulting from development that are not practicable for farm machinery access.
2. **Tower:** In no case shall the vertical distance from ground level to tip of a wind generator blade when the tip is at its lowest point be less than 15 feet.
  3. **Sound Level:** The wind energy system's manufacturer's sound level estimate shall be in compliance with noise regulations established by the Oregon Department of Environmental Quality in OAR Chapter 340, Division 35.
  4. **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.
  5. **Signs:** All signs, both temporary and permanent are prohibited on the small wind energy system, except as follows:
    - a. Manufacturer's or installer's identification on the wind generator.
    - b. Appropriate warning signs and placards.
  6. **Code Compliance:** The small wind energy system shall comply with all applicable sections of the Oregon State Building Code and any other applicable State or local government regulations.
  7. **Aviation:** The wind energy system shall be built to comply with all applicable Federal Aviation Administration rules, including but not limited to 14 C.F.R. part 77, subpart B regarding installations close to airports, and any State of Oregon



regulations. In addition, compliance with JCZO Section 418, Airport Protection is required. Evidence of compliance or non-applicability shall be submitted with the application.

8. **Visual Impacts:** It is inherent that wind energy systems may pose some visual impacts due to the tower height needed to access the wind resources. The purpose of this section is to reduce the visual impacts, without unreasonably restricting the owner's access to the wind resource.
  - a. If visible from a residentially zoned lot, ground mounted electrical and control equipment will be screened. All electrical conduits shall be underground.
  - b. The color of the wind energy system shall be either an unobtrusive stock color from the manufacturer or painted in a non-reflective, unobtrusive color that blends in with the surrounding environment.
  - c. Any lighting shall be in compliance with Section 405 Outdoor Lighting.
  - d. All wind energy systems shall comply with JCZO Section 412, Scenic and Natural Hazard Rim Set Back; and JCZO Section 417, Historic Resource Protection; Section 419.7, State Scenic Waterways; and 419.8, Federal Wild and Scenic Rivers.
9. **Access:**
  - a. All ground mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.
  - b. The tower shall be designed and installed so as to not provide step bolts or a ladder readily accessible to the public for a minimum height of 8 feet above the ground.
10. **Approved Wind Generators:** The manufacturer and model of the wind generator(s) to be used in a proposed small wind energy system must be in conformance with the American Wind Energy Association's Small Wind Turbine Performance and Safety Standard or on the Small Wind Certification Council's (SWCC), or the Energy Trust of Oregon's list of manufacturers and suppliers of wind generators and must be installed in compliance with the manufacturer's specifications.
11. Prior to commencement of construction, all necessary permits shall be obtained, e.g., County Land Use Permit, road access permits, and building permits.
12. The County shall notify ODFW and the Confederated Tribes of the Warm Springs Reservation when an application is submitted for Wind Energy Systems proposed to be located in a Wildlife Area Overlay Zone.
13. The County shall take into consideration crop dusting when approving a wind energy system.
14. **Archeological Preservation:** A condition of approval shall require compliance with JZCO Section 429 to protect the County's archaeological resources.
15. **Abandonment or Discontinuation of Use:** At such time that a wind energy system is scheduled to be abandoned or discontinued, the applicant will notify

the Planning Director by certified U.S. mail of the proposed date of abandonment or discontinuation of operations.

- a. Upon abandonment or discontinuation of use, the owner shall physically remove the wind energy system within 90 days from the date of abandonment or discontinuation of use. This period may be extended at the request of the owner and at the discretion of the Planning Director. "Physically remove" shall include, but not be limited to:
  1. Removal of the wind generator and tower and related above grade structures.
  2. Restoration of the location of the wind energy system to its natural condition, except that any landscaping, grading or below-grade foundation may remain in the after-conditions.
- b. In the event that an applicant fails to give such notice, the wind energy system shall be considered abandoned or discontinued if the wind energy system is out-of-service for a continuous 12-month period. After 12 months of inoperability, the Planning Director may issue a Notice of Abandonment to the owner of the wind energy system. The owner shall have the right to respond to the Notice of Abandonment within 30 days from Notice receipt date. The Planning Director shall withdraw the Notice of Abandonment and notify the owner if the owner provides information that demonstrates the wind energy system has not been abandoned.
- c. If the owner fails to respond to the Notice of Abandonment or if after review by the Planning Director it is determined that the small wind energy system has been abandoned or discontinued, the owner of the small wind energy system shall remove the wind generator and tower at the owner's sole expense within 3 months of receipt of the Notice of Abandonment. If the owner fails to physically remove the small wind energy system after the Notice procedure, the County shall have the authority to enter the subject property and physically remove the small wind energy system.
- d. Any wind energy system found to be unsafe by the local enforcement officer shall be repaired by the owner to meet federal, state and local safety standards or removed within six months.

**16. Metolius Area of Critical State Concern (ACSC). No Small Wind Energy Facilities may be approved within the Metolius ACSC on land west of the "1-Mile Buffer" line as identified on Exhibit A at the end of this section.**

**B. Large Wind and EFSC Energy System Approval Standards: In addition to the approval standards in 431.4(A), the following pertain to large wind energy systems:**

1. Large wind energy systems shall not force a significant change in, or significantly increase the cost of:
  - a. Accepted farming practices as defined in ORS 215.203(2)(c) on adjacent lands devoted to farm uses.
  - b. Other resource operations and practices on adjacent lands except for wind power generation facilities.

2. If located in the EFU or FM zone, a condition of approval will require that the landowner sign and record in the deed records for the County a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no claim is allowed under ORS 30.936 or 30.937.
3. The applicant must have an approved plan to prevent and control all Jefferson County identified noxious weeds (per JCC Chapter 8.28) occurring from the wind energy system during preparation, construction, operation and demolition/rehabilitation.
4. The Large Wind Energy System must avoid significant negative impacts to, or mitigate the impacts of the system, during and after construction, on the following resources or hazards. Applicable State or local agencies to contact for more information include, but are not limited to: DSL, ODFW, Confederated Tribes of the Warm Springs Reservation, the State Historic Preservation Office, County Sheriff, Fire District:
  - a. Wetlands
  - b. Wildlife
  - c. Wildlife habitat
  - d. Fisheries
  - e. Water Resources
  - f. Historic and cultural resources
  - g. Fire hazards
  - h. Public safety (criminal activity: vandalism, theft, trespass, etc.)
5. A dismantling and decommissioning plan of all components of the wind energy system must be proposed and maintained at all times by the facility owner.
6. A condition of approval shall include a requirement for post-construction monitoring for wildlife species of concern.
7. Private access roads shall be gated and locked to protect the facility and property owners from illegal or unwarranted trespass, and illegal dumping and hunting.
8. Where practicable, the electrical cable collector system shall be installed underground, at a minimum depth of 4 feet in cropland or 3 feet in grazing areas; elsewhere the cable collector system shall be installed to prevent adverse impacts on agricultural operations.
9. Required permanent maintenance/operations buildings shall be located off-site in one of Jefferson County's appropriately zoned areas, except that such a building may be constructed on-site if:
  - a. The building is designed and constructed to resemble the character of similar buildings used by commercial farmers or ranchers; and

- b. The building will be removed or converted to farm use upon decommissioning of the wind energy system facility.**
- 10. A Large Wind Energy System shall comply with the Specific Safety Standards for Wind Facility delineated in OAR 345-024-0010 (as adopted at time of application).**
- 11. Metolius Area of Critical State Concern. No Large Wind Energy Facilities or facilities with rated capacities in excess of 105 megawatts may be approved on land west of the "1-Mile Buffer" line as identified on Exhibit A at the end of this section.**
- C. Decommissioning/Dismantling Process: The applicant's dismantling of incomplete construction and/or decommissioning plan for Large Wind Energy Systems shall include the following information:**
- 1. A provision for completion of dismantling or decommissioning of the facility without significant delay and protecting public health, safety, and the environment in compliance with the restoration requirements of this section.**
  - 2. A description of actions the facility owner proposes to take to restore the site to a useful, non-hazardous condition, including options for post-dismantle or decommission land use, information on how impacts to fish and wildlife would be minimized during the process, and measures to protect the public against risk or danger resulting from post-decommissioning site conditions in compliance with the requirements of this section.**
  - 3. A current detailed cost estimate, a comparison of that estimate with present funds set aside for dismantling or decommissioning, and a plan for assuring the availability of adequate funds for completion of dismantling or decommissioning (a bond or letter of credit acceptable to the County, in the amount of the decommissioning fund naming Jefferson County and the landowner as beneficiary or payee). The cost estimate will be reviewed and updated by the facility owner/operator on a 5-year basis.**
  - 4. Restoration of the site will consist of the following:**
    - a. Dismantle wind generators, towers, pad-mounted transformers, meteorological towers and related above-ground equipment. All concrete pads shall be removed to a depth of at least three feet below the surface grade (4 feet in cropland).**
    - b. The underground collection and communication cables need not be removed if at a depth of three feet or greater (at least 4 feet in cropland). These cables can be abandoned in place if they are deemed not a hazard or interfering with agricultural use or other consistent resource uses of the land.**
    - c. Gravel shall be removed from areas surrounding pads.**
    - d. Access roads shall be removed by removing gravel and restoring the surface grade and soil.**
    - e. After removal of the structures and roads, the area shall be graded as close as reasonably possible to its original contours and the soils shall be restored**

to a condition compatible with farm uses or consistent with other resource uses. Re-vegetation shall include planting by applicant of native plant seed mixes, planting by applicant of plant species suited to the area, or planting by landowner of agricultural crops, as appropriate, and shall be consistent with the weed control plan approved by Jefferson County.

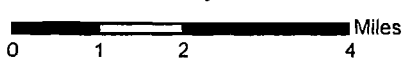
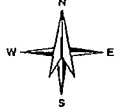
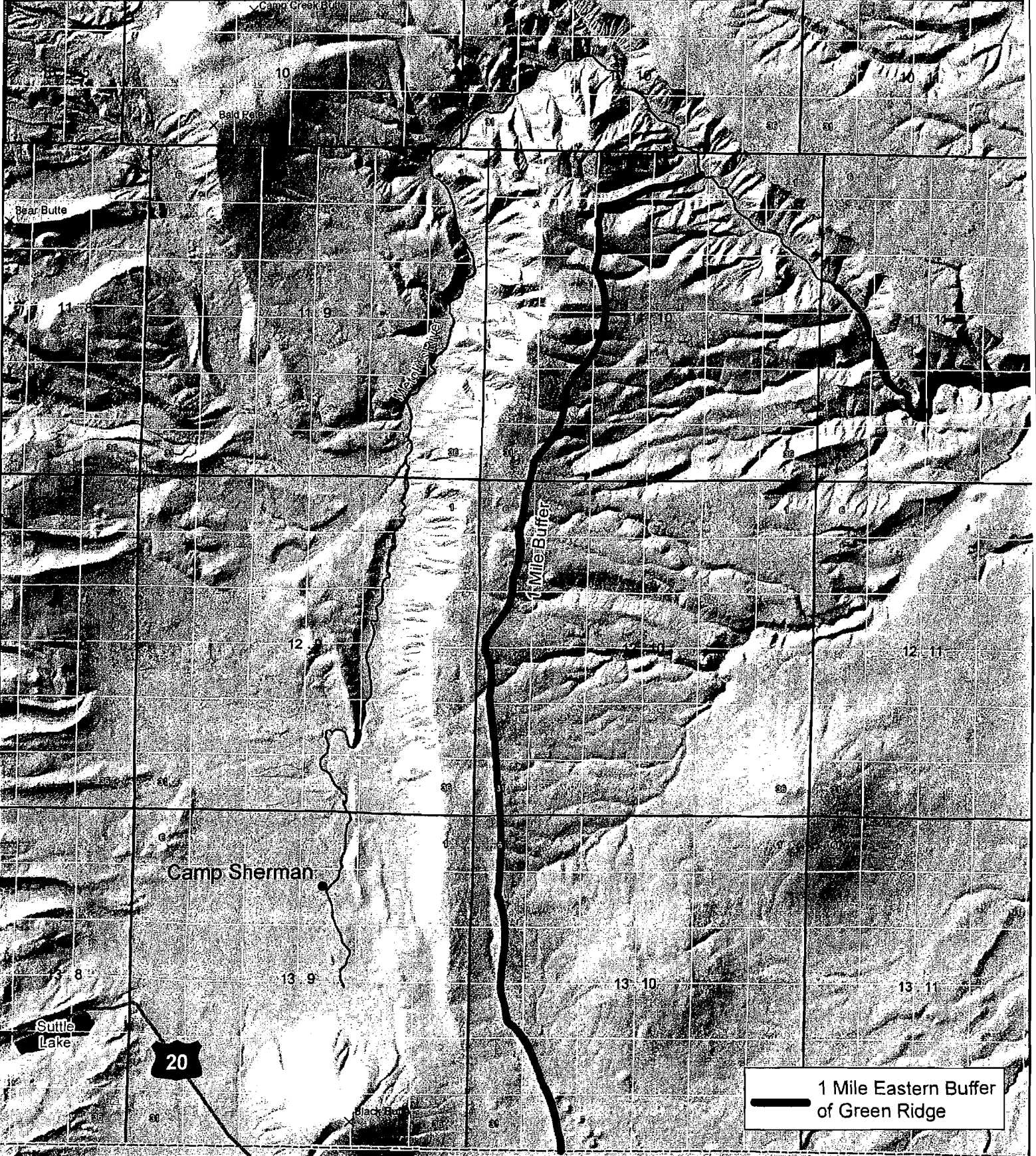
f. Roads, cleared pads, fences, gates, and improvements may be left in place if a letter from the landowner is submitted to Jefferson County indicating said landowner will be responsible for, and will maintain said roads and/or facilities for farm or other purposes as permitted under applicable zoning.

5. If any disputes arise between Jefferson County and the landowner on the expenditure of any proceeds from the bond or the letter of credit, either party may request nonbinding arbitration. Each party shall appoint an arbitrator, with the two arbitrators choosing a third. The arbitration shall proceed according to the Oregon statutes governing arbitration. The cost of arbitration (excluding attorney fees) shall be shared equally by the parties.

**D. Large Wind Energy System Post-Siting Requirements:** After approval, the following information is required to be submitted:

1. The bond or letter of credit shall be established for the dismantling of uncompleted construction and/or decommissioning of the facility.
1. The actual latitude and longitude location or Stateplane NAD coordinates for each tower, connecting lines, and transmission lines shall be provided to Jefferson County once commercial electrical production begins.
2. A summary of as-built changes in the facility from the original plan, if any, shall be provided by the owner/operator.
3. An amendment to the conditional use permit shall be required if proposed facility changes would:
  - a. Require an expansion of the established facility boundaries or increase the land area taken out of agricultural production.
  - b. Increase the number of towers.
  - c. Increase generator output of more than 25 percent relative to the generation capacity authorized by the initial permit due to the repowering or upgrading of power generation capacity.

**431.5 Permit Duration:** The permit will expire two years from the date of decision unless the applicant has completed substantial construction or development of the permitted facility. The expiration date may be extended if the applicant submits a written request to the Planning Director for a one-time, one-year extension prior to the expiration date of the permit.



1 Mile Eastern Buffer  
of Green Ridge

Jefferson County uses GIS data in support of its internal business functions and the public services it provides. These GIS data, which Jefferson County distributes, may not be suitable for other purposes or uses. It is the requestor's responsibility to verify any information derived from the GIS data before making any decisions or taking any actions based on the information. Jefferson County shall not be held liable for any errors in the GIS data. This includes errors of omission, commission, errors concerning the content of the data, and relative and positional accuracy of the data. Jefferson County assumes no legal responsibility for this information.



JEFFERSON COUNTY  
MUNICIPALITY DEVELOPMENT DEPT.  
45 S.E. 7<sup>TH</sup> STREET  
MADRAS, OREGON 97741

Attention: Plan Amendment Specialist  
Department of Land Conservation & Development  
635 Capitol Street NE, Suite 150  
Salem, OR 97301-2540

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