

CHAPTER 273—TRANSMISSION FACILITY SITING PERMIT¹**273.010 AUTHORIZATION:**

The purpose of the transmission facility siting permit is to allow the siting of transmission facilities which by necessity are to be located in more than one zoning district. Such facilities may be permitted or altered by the Board subject to the procedures, standards, and criteria of this Chapter, notwithstanding any conflicting provision of this Ordinance. Any facility covered by the terms of this Chapter may not be constructed or altered unless the owner has first obtained a permit pursuant to this Chapter; and any such facility must be sited within the corridor as described in an approved permit pursuant to this Chapter.

273.020 APPLICATION PROCEDURE AND REQUIREMENTS:

- 1) An applicant shall initiate an application for a transmission facility siting permit by filing an application with the Department. Applications may be obtained by contacting the Department. Processing of applications and conduct of hearings shall be in accordance with the provisions of Chapter 285.
- 2) In cases where alternative corridors for the facility are proposed, the application requirements herein set forth must be followed for each of the proposed alternatives.
- 3) In cases where the proposed facility is subject to approval by any other governmental body, a notice and copy of such other applications shall be submitted no later than 30 days following submission to such other governmental body. Applications required by this Chapter shall be completed within such additional time period as may be required by the Director.
- 4) The application shall include, but not be limited to, the following:
 - A) A description of all lands upon which the proposed facility will be located. The description shall include the location of all dwellings, public buildings, watercourses, vegetative cover, and existing land uses. The applicant may submit a copy of the appropriate County Assessor's maps showing the corridor(s) for the proposed facility and other information required by this Section.
 - B) If the applicant is not the owner of the lands described in Subsection A), above, the names and mailing addresses of the owners of such lands as shown by records of the County Assessor.
 - C) If the applicant is not the owner of the lands described in Subsection A), above, a statement setting forth the manner in which the use or ownership of such land

¹ Amended by Ordinance #88-18, Adopted on December 15, 1988; Effective February 13, 1989 (File #87-3-OA)

- is to be acquired, whether by negotiation for purchase of easement, by condemnation, or by another method.
- D) A listing, with Assessor's tax lot numbers and mailing addresses of all landowners owning land within 1,000 feet of the proposed corridor(s).
 - E) The applicant shall submit: 1) sketches to scale of the general configuration of the right-of-way to be acquired and the general location of the proposed facility within the right-of-way; 2) sketches of typical structures to be used in connection with the proposed facility and a statement as to the conditions under which each such structure may be used; 3) plans and specifications for the proposed facility to the extent available; and, 4) a statement of any unusual circumstances substantially affecting all land uses irrespective of distance from the proposed facility.
 - F) An analysis of the impact of the proposed facility upon existing land uses. The analysis shall also include an evaluation of the proposal as it relates to each of the elements set forth in Jackson County's Comprehensive Plan, and the Statewide Planning Goals and Guidelines.
 - G) A bibliography of all materials submitted to any other regulatory body having jurisdiction over the proposed facility. Upon request from the Department, applicant shall submit any such materials which may be reasonably necessary to review the application.
- 5) Issuance of a transmission facility siting permit shall be void after two years following applicant's scheduled date for start of construction, or a shorter period if specified within the order of approval, unless substantial construction has taken place. However, the Board may extend authorization for an additional period upon a showing of good cause by the holder of the permit.

273.030 APPLICATION PROCESSING FEE:

The Director shall impose and collect a reasonable fee at the time of the initial application, in an amount not to exceed the anticipated actual cost to Jackson County in processing the application. If the amount collected is found to be insufficient or excessive by the Board at the time of the Board's final action, the Board shall impose such additional fee amount or refund such excess as the Board deems appropriate. The Director shall render a detailed accounting of all expenses incurred at the time of the Board's hearing pursuant to Section 273.050.

273.040 STANDARDS AND CRITERIA FOR ACTION ON APPLICATION:

The Board must make all the following findings:

- 1) That, although the proposed facility may not be a permitted or conditional use within the zoning district(s) it is to traverse, the proposed facility is consistent with Statewide Land Use Planning Goals and Guidelines, the provisions of this Chapter, and the Comprehensive Plan for the County as a whole.

- 2) That the location, size, design, and operating characteristics of the proposed use will have the least practicable, adverse impact on the liveability, aesthetic qualities, natural resources including forest and agricultural lands, value, and appropriate development of abutting properties and the surrounding area.
- 3) The proposed facility is necessary and sufficient to serve the public need.

273.050 BOARD HEARINGS:

Upon receipt of the staff report, the Board shall hold at least one public hearing, at which time it shall review the staff report and take testimony or evidence from any interested citizens and the applicant.

Notice of the public hearing shall be given as required by Chapter 285.

273.060 PLACING CONDITIONS ON A PERMIT:

The Board may impose additional conditions upon a new transmission facility or the alteration of an existing transmission facility to avoid a detrimental environmental impact, or otherwise to protect the best interests of the surrounding area or the community as a whole. However, such conditions shall not be inconsistent with any conditions placed upon construction or operation of the proposed facility by the Oregon Energy Facility Siting Council or any other state or federal agency having overriding jurisdiction over the proposed facility. These conditions may include, but are not limited to, the following:

- 1) Limiting the manner in which the use is conducted, including restricting the time a certain activity may take place and restraints to minimize such environmental effects as noise, vibration, air pollution, glare, and odor.
- 2) Establishing a special yard or other open space, lot area, or lot dimension.
- 3) Limiting the height, size, or location of any structure, transmission tower, underground pipeline, transportation right-of-way, or other permanent fixture of any kind affixed to the land.
- 4) Designating the size, number, location, and nature of vehicle access points.
- 5) Increasing the amount of street dedication, roadway width, or improvements within the road right-of-way.
- 6) Designating the size, location, screening, drainage, surfacing, or other improvements of a parking area/lot or truck loading area.
- 7) Limiting or otherwise designating the number, size, location, height, and lighting of signs.
- 8) Limiting the location and intensity of outdoor lighting and requiring its shielding.
- 9) Requiring diking, screening, landscaping, or other facility to protect adjacent or nearby property and designating standards for its installation and maintenance.

- 10) Designating the size, height, location, and materials for fencing.
- 11) Protecting and preserving existing vegetation, soil resources, water resources, scenic resources, wildlife habitat, such as winter deer and elk ranges, or other significant natural resources, and avoiding natural hazards.
- 12) Any other condition(s) necessary to permit development in conformance with the intent and purpose of the Jackson County Comprehensive Plan and the Statewide Goals and Guidelines.

273.070 BOARD ACTION AND RECOMMENDATIONS TO APPROPRIATE REGULATORY BODIES:

- 1) Following the hearing(s) pursuant to Section 273.050, the Board shall deliberate and take such action as it deems appropriate, including issuance of a transmission facility siting permit for one or more of the proposed routings. The permit shall include such conditions as required by Section 273.060, which the Board deems advisable to mitigate or eliminate land use impacts of the proposed facility.
- 2) The Board may take appropriate action at the hearing, including approval or denial of permits and attachment of conditions. Statements of consistency or inconsistency with prevailing Jackson County ordinances and Statewide Planning Goals, as may be required by state or federal rule or statute or as requested by appropriate regulatory bodies, shall be transmitted on the appropriate form to such regulatory body. All such transmittals shall be approved as to form by the County Counsel.
- 3) In the event that the Oregon Energy Facility Siting Council or other agency with overriding jurisdiction issues a siting permit or other authorization for a proposed transmission facility, Jackson County may be required to issue any permits, licenses, or authorizations necessary for construction of the proposed facility. In such cases, the Board shall issue a transmission facility siting permit pursuant to the provisions of this Chapter, with or without notice of hearing, upon submission of an application with the information required by Subsections 273.020(4)(A) and (E) hereof and upon payment of a fee of \$50, or the fee set forth in Section 273.030, whichever is higher.

Issuance of a permit pursuant to this Section shall not inhibit nor prevent the attachment of conditions necessary to ensure consistency with the Jackson County Comprehensive Plan or the Statewide Planning Goals. Such conditions, however, shall not have the effect of preventing construction of the facility.

273.080 MODIFICATION OR REVOCATION:

The process for modification or revocation of a permit shall consist of any of the following:

- 1) An application by the applicant or successor in conformance with the provisions of this Chapter.
- 2) An investigation by the Department of alleged violations of, or noncompliance with, the conditions of the permit.

- 3) A hearing scheduled pursuant to Section 273.050, in which proof of a violation of, or noncompliance with, conditions is reviewed by the hearings body.
- 4) The Board may modify or revoke a permit after proper notice and public hearing.

273.090 SURVEY REQUIRED:

Upon completion of construction, or the initiation of service, whichever is earliest, the applicant shall file with the Jackson County Surveyor a registered survey of the facility as constructed. Such survey shall comply with the requirements of the Jackson County Surveyor.