

31.3.6 Permits – Particular Uses – Power Generators. Ancillary local government decisions pertaining to the siting of energy generating facilities that might otherwise fall under the definition of land use decisions subject to LUBA’s jurisdiction are nevertheless subject to the exclusive jurisdiction of the Oregon Energy Facility Siting Council, with direct review by the Oregon Supreme Court. *Thomas v. City of Turner*, 42 Or LUBA 39.

31.3.6 Permits - Particular Uses - Power Generators. OAR 660-06-025(4)(i) allows power generation facilities on forestlands without a Goal 4 exception, provided such facilities do not remove more than 10 acres of land from resource use. OAR 660-33-130(23) includes similar provisions for power generation facilities on agricultural lands without a Goal 3 exception, but requires that the power generation facilities not remove more than 20 acres of land from resource use. *DLCD v. Douglas County*, 28 Or LUBA 242 (1994).