



*Providing Natural Resource Leadership*

April 3, 2017

Representative Brian Clem, Chair  
House Committee on Agriculture and Natural Resources

Honorable Chair Clem and Members of the Committee:

The Yamhill Soil and Water Conservation District (district) respectfully submits the following written comments relating to HB 3050, and requests the comments be included in the record for Public Hearing scheduled for April 4, 2017.

We are pleased legislation is being considered to address the loss of high value farmland to solar facility development. Our conservation district has been witnessing increasing installation of solar arrays in Yamhill County. Over the last several months solar energy companies have been actively marketing and offering attractive long-term leases to landowners in EFU zones for the installation of solar arrays. According to the Yamhill County Planning Department, four 12-acre sites on high-value farmland that have already been approved. These four sites are lands that have been in current agricultural production. Additionally, two more 12-acre sites on high-value farmland are in the application and review process, and one 40-acre site on non-high value farmland is in the application review process.

The approvals are approved at the county level through the conditional use permit process, according to administrative rules issued by the Land Conservation and Development Commission (LCDC). The current administrative rules provide an easy approval avenue for almost any 12-acre facility, and offer local planning departments and county commissioners little criteria to consider when considering impacts to agriculture and converting high value soils to non-farm use. Modification of the current administrative rules or a change in law is needed to protect important agricultural lands and to provide local governments approval criteria that makes sense.

Goal 3 in Oregon's land use comprehensive plan has explicit policy "to protect prime and valuable agricultural land from conversion unless there is a demonstrated need consistent with LCDC planning goals". We believe the State of Oregon should consider stronger safeguards to protect high value soils. This could be accomplished through new legislation or by modifying the current administrative rules that regulate placement of solar facilities. Because of the seriousness of this issue, the district recommends and asks for the Legislature's support to issue a moratorium on new applications for solar facilities while policy alternatives are being considered.

If new legislation is not approved, LCDC should immediately open the current administrative rules relating to solar energy facilities for review, public comment and modification. Revised administrative rules should at a minimum, prohibit solar installations on Class 1 and 2 soils. Rules should also consider additional criteria that can be used by county planning departments and county governing bodies when evaluating conditional use permits for solar facilities.

The district offers the following suggestions as areas to be considered in rule modification:

1. Installations should not be allowed on class 1 or 2 soils (defined in rule).
2. Compliance with ORS 215.296: Solar facilities should not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use, or significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.
3. Criteria to minimize placement of roads and gravel surfaces that can disrupt and change the natural soil structure and drainage characteristics.
4. Criteria to reduce soil mixing at proposed sites to preserve future soil productivity.
5. Criteria regarding water runoff from facility sites, potential erosion, water quality considerations, and water flow to adjacent properties and state or county right-of-ways.
6. Visual impact considerations.
7. Impacts on wildlife, migration routes, wildlife nesting, and potential effects on Threatened and Endangered Species.
8. Cumulative impacts affecting agriculture and local communities in a given region.
9. Noxious weed and invasive species considerations, and planned control measures.
10. Need for reclamation bond to ensure adequate funding and reclamation of a solar site back to its original full productivity and condition after abandonment.

The district understands that promoting renewable energy is a worthy objective. However, we believe the long-term benefits of protecting farm land and important soils outweigh the short-term benefits produced by installing solar facilities in exclusive farm-use zones. Unlike the production of food and agricultural products, the development of solar facilities is not dependent on quality soils.

Thank you for the opportunity to submit comments on HB 3050.

Respectfully Submitted,



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