

BEFORE THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

FOR THE COUNTY OF YAMHILL

SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

In the Matter of Approval of Amendments to the)
Yamhill County Zoning Ordinance to Prohibit)
the Siting of Commercial Solar Generation) Ordinance 903
Facilities on Tracts that Contain Predominantly)
Class I Through Class IV Soils; Planning Docket)
G-01-17)

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the Board) sat for the transaction of county business on May 3, 2018, Commissioners Mary Starrett, Richard L. "Rick" Olson and Stan Primozych being present.

WHEREAS, under Oregon Administrative Rules established by the Land Conservation and Development Commission, the county has received numerous applications filed by Limited Liability Companies to site 12-acre commercial solar facilities on Class I through Class IV soils, the county's best farm soils; and

WHEREAS, at its November 2, 2017 meeting, the Planning Commission, alarmed regarding a seeming flood of new applications, initiated the process for adoption of Zoning Ordinance text amendments to protect Class I through Class IV soils from the development of commercial solar facilities; and

WHEREAS, following county-wide mailed and published notice, an opportunity to submit written testimony and a hearing, on March 22, 2018, the Planning Commission voted 5-3 to amend the Zoning Ordinance to prohibit commercial solar facilities on tracts of predominantly Class 1 through Class IV soils; and

WHEREAS, following an additional hearing on April 26, 2018, the Board voted 2-1 to approve the proposed zoning ordinance to prohibit commercial solar facilities on tracts of predominantly Class I through Class IV soils; NOW, THEREFORE,

THE BOARD ORDAINS AS FOLLOWS:

Section 1. The Yamhill County Zoning Ordinance is hereby amended as shown in the attached Exhibit "A," with deleted text indicated by strikeout and new text indicated in bold and underlined.

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Section 2. The attached Zoning Ordinance text amendments are approved for the reasons stated in the findings attached as Exhibit "B" and incorporated into this ordinance by this reference.

DONE this 3rd day of May, 2018, in McMinnville, Oregon.

ATTEST



YAMHILL COUNTY BOARD OF COMMISSIONERS

BRIAN VAN BERGEN
County Clerk

Chair

STAN PRIMOZICH

By: Carolina Rook
Deputy Carolina Rook

Commissioner

MARY STARRETT (opposed)

FORM APPROVED BY:

T. Sadlo
Timothy S. Sadlo
Senior Assistant County Counsel

Richard L. Olson
Commissioner RICHARD L. "RICK" OLSON

**EXHIBIT A – ORDINANCE 903
(G-01-17) Commercial Solar Facilities**

Exclusive Farm Use District (EF-20, EF-40 and EF-80)

402.04 Conditional Uses.

The following uses are allowed in the Exclusive Farm Use District upon conditional use approval. Approval of these uses is subject to the Conditional Use criteria and requirements of Section 1202, and subsection 402.07(A) of this ordinance and any other provision set forth below. Applications shall be reviewed under the Type B procedure of Section 1301:

A. One manufactured dwelling or recreational vehicle, or the temporary use of an existing building, in conjunction with an existing dwelling as a temporary use for the term of a hardship suffered by the existing resident or relative, as defined in ORS 215, of the resident, subject to the following:

[Amended 12/05/02; Ord. 720]

1. The resident or relative of the resident is aged, infirm, or for health-related reasons, is incapable of maintaining a complete separate residence.
2. The permit for the manufactured dwelling for the term of hardship shall be valid for a period of two years or a shorter period as determined appropriate by the Director or hearings body. A permit may be revoked by the Director at any time, if any of the reasons for which the permit was granted are no longer applicable, or if any imposed condition is violated.
3. The permit for the temporary dwelling for the term of hardship shall be granted to the applicant only and shall not be deemed to run with the land.
4. The temporary dwelling shall use the same subsurface sewage disposal system as the existing dwelling, if that disposal system is adequate to accommodate the additional dwelling.
5. When a recreational vehicle is allowed to be used as a temporary structure the recreational vehicle site shall have services, inspected and approved by the building department which includes electricity, plumbing and connection to an approved septic system.

[Amended 12/05/02; Ord. 720]

6. Within three months of the end of the hardship, the manufactured dwelling 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. In the case of a recreational vehicle, within three months of the end of the hardship, it shall be removed, demolished or may remain on the property and used in accordance with Section 402.09(H). A temporary residence approved under this paragraph is not eligible for replacement.

[Amended 3/19/98, Ord. 643/Amended 12/05/02; Ord. 720]

B. A facility for the primary processing of forest products, subject to Subsection 402.07(B).

C. Residential facility, as defined in ORS 197.660, in an existing dwelling. [Amended 5/24/12; Ord. 872]

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- D. Community centers, parks, or playgrounds owned by a governmental agency or a nonprofit community organization, and operated primarily by and for residents of the local rural community, subject to Section 1101, Site Design Review. A public park may also be established consistent with the provisions of ORS 195.120. [Amended 12/05/02; Ord. 720]
- E. Dog kennel, except dog kennels are not allowed on a tract identified as high-value farmland. Existing dog kennels on high-value farmland that are wholly within a farm use zone may be expanded subject to conditional use approval. [Amended 3/19/98, Ord. 643]
- F. The propagation, cultivation, maintenance, and harvesting of aquatic or insect species. The insect species must comply with ORS 215.283(2)(p). Notice shall be mailed to the State Department of Agriculture at least 20 days prior to any administrative decision or initial public hearing on the application. [Amended 3/19/98, Ord. 643; 5/24/12, Ord 872]
- G. Commercial activities that are in conjunction with farm use as defined in Section 402.10(B), but not including the processing of farm crops which are a permitted use as described in subsection 402.02(E), subject to Section 1101, Site Design Review. [Amended 3/19/98, Ord. 643]
- H. The following mineral, aggregate, oil, and gas uses, subject to the standards of Section 404:
1. Operations conducted for mining and processing of geothermal resources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005 not otherwise permitted in this Section.
 2. Operations conducted for mining, crushing or stockpiling of aggregate and other mineral, and other subsurface resources subject to ORS 215.298.
 3. Processing as defined by ORS 517.750 of aggregate into asphalt or portland cement more than two miles from one or more vineyards, totaling 40 acres or more, planted as of the date of application for processing.
 4. Processing of other mineral resources and other subsurface resources.
- I. Home occupation, subject to the standards and limitations set forth in Section 1004
- J. The following transportation facilities:
1. Construction of additional passing and travel lanes requiring the acquisition of right of way but not resulting in the creation of new land parcels.
 2. Reconstruction or modification of public roads and highways involving the removal or displacement of buildings not resulting in the creation of new land parcels.
 3. Improvement of public road and highway related facilities, such as maintenance yards, weigh stations, and rest areas, where additional property or right of way is required but not resulting in the creation of new land parcels.
- K. Personal use airports subject to subsection 402.07(C).

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- L. Golf course, as defined in subsection 402.10(D), except new golf courses are not allowed on a tract identified as high-value farmland. Existing golf courses on high-value farmland that are wholly within a farm use zone may be expanded to a total of no more than 36 holes, subject to conditional use approval and provided the expansion is consistent with the definition in Section 402.10(D).

[Amended 3/19/98, Ord. 643]
- M. Commercial utility facilities for the purpose of generating power for public use by sale, and transmission towers over 200 feet in height, subject to Subsection 402.07(D) and Section 1101, Site Design Review. **Photovoltaic solar power generation facilities are not allowed on a tract that contains predominantly Class I through IV soils.**
- N. Roads, highways and other transportation facilities and improvements not allowed under Subsections 402.02(K) or 402.04(J), subject to compliance with OAR 660-12.

[Amended 3/19/98, Ord. 643]
- O. Private parks, playgrounds, hunting and fishing preserves and campgrounds as defined in subsection 402.10(A), subject to Section 1101, Site Design Review, except such uses are not allowed on a tract identified as high-value farmland. Existing facilities on high-value farmland that are wholly within a farm use zone may be expanded subject to conditional use approval.

[Amended 3/19/98, Ord. 643]
- P. On-site filming and activities accessory to on-site filming, as defined in ORS 215.306(4), that exceed 45 days on any site within a one-year period or involve erection of sets that would remain in place for longer than 45 days subject to ORS 30.930 to 30.947.

[Added 8/13/98, Ord. 657]
- Q. Operations for the extraction and bottling of water.

[Added 8/13/98, Ord. 657]
- R. Room and board arrangements for a maximum of five unrelated persons in an existing dwelling.

[Added 8/13/98, Ord. 657]
- S. "Living History Museum" as defined in Oregon Administrative Rules 660-033-130(21).

[Added 12/05/02, Ord. 720]

402.07 Additional Standards for Approval of Conditional Uses

- A. In the Exclusive Farm Use District, prior to establishment of a conditional use, the applicant shall demonstrate compliance with the following criteria in addition to other requirements of this ordinance:
 - 1. The use will not force significant change in accepted farming or forest practices on surrounding lands devoted to farm or forest use.
 - 2. The use will not significantly increase the cost of accepted farming or forest practices on surrounding lands devoted to farm or forest use.
- B. A facility for primary processing of forest products shall not seriously interfere with accepted farming practices and shall be compatible with farm uses described in Section 402.10(C). Such facility may be approved for a one-year period which is renewable and is intended to be only portable or temporary in nature. The primary processing of a forest product, as used in this section, means the use of a portable chipper or stud mill or other similar methods of initial

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treatment of a forest product in order to enable its shipment to market. Forest products as used in this section means timber grown upon a tract where the primary processing facility is located.

- C. A personal-use airport as used in this section means an airstrip restricted, except for aircraft emergencies, to use by the owner, and on an infrequent and occasional basis, by invited guests, and by commercial aviation activities in connection with agricultural operations. No aircraft may be based on a personal-use airport other than those owned or controlled by the owner of the airstrip. Exceptions to the activities permitted under this definition may be granted through a waiver action by the Oregon Aeronautics Division in specific instances. A personal-use airport lawfully existing as of September 13, 1975, shall continue to be permitted subject to applicable rules of the Oregon Aeronautics Division.
- D. A power generation facility shall not preclude more than 20 acres from use as a commercial agricultural enterprise on a tract not identified as high-value farmland. ~~or 12 acres~~ **Photovoltaic solar power generation facilities are not allowed** ~~on a tract identified as high-value farmland~~ **a tract that contains predominantly Class I through IV soils**, unless an exception is taken pursuant to OAR 660, Division 4.

Agriculture/Forestry Large Holding District (AF-20, AF-40, AF-80)

403.04 Conditional Uses.

The following uses are allowed in the Agriculture/Forestry District upon conditional use approval. Approval of these uses is subject to the Conditional Use criteria and requirements of Section 1202 of this ordinance, the criteria of Section 403.07 and any other provision set forth below. Applications shall be reviewed under the Type B procedure of Section 1301:

- A. One manufactured dwelling or recreational vehicle, or the temporary use of an existing building, in conjunction with an existing dwelling as a temporary use for the term of a hardship suffered by the existing resident or relative of the resident, subject to the following:
- [Amended 12/05/02; Ord. 720]
1. The resident or relative of the resident is aged, infirm, or for health-related reasons, is incapable of maintaining a complete separate residence.
 2. The permit for the temporary dwelling for the term of hardship shall be valid for a period of two years or a shorter period as determined appropriate by the Director or hearings body. A permit may be revoked by the Director at any time, if any of the reasons for which the permit was granted are no longer applicable, or if any imposed condition is violated.
 3. The permit for the manufactured dwelling for the term of hardship shall be granted to the applicant only and shall not be deemed to run with the land.
 4. The temporary dwelling shall use the same subsurface sewage disposal system as the existing dwelling, if that disposal system is adequate to accommodate the additional dwelling.

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5. When a recreational vehicle is allowed to be used as a temporary structure the recreational vehicle site shall have services, inspected and approved by the building department which includes electricity, plumbing and connection to an approved septic system. [Section 5 added 12/05/02; Ord. 720]
 6. Within three months of the end of the hardship, the 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. A temporary residence approved under this paragraph is not eligible for replacement as a permanent residence. [Subsection A amended 3/19/98, Ord. 643; 12/05/02; Ord. 720]
- B. Permanent facility for the primary processing of forest products.
- C. Residential facility, as defined in ORS 197.660, in an existing dwelling. [Amended 05/24/12; Ord. 872]
- D. Community centers, parks, or playgrounds owned by a governmental agency or a nonprofit community organization, and operated primarily by and for residents of the local rural community, subject to Section 1101, Site Design Review. A public park may also be established consistent with the provisions of ORS 195.120. [Amended 12/05/02; Ord. 720]
- E. Dog kennel, except dog kennels are not allowed on a tract identified as high-value farmland. Existing dog kennels on high-value farmland that are wholly within a farm use zone may be expanded subject to conditional use approval. [Amended 3/19/98, Ord. 643]
- F. The propagation, cultivation, maintenance, and harvesting of aquatic or insect species. The insect species must comply with ORS 215.283(2)(p). Notice shall be mailed to the State Department of Agriculture at least 20 days prior to any administrative decision or initial public hearing on the application. [Amended 3/19/98, Ord. 643; 5/24/12; Ord. 872]
- G. Commercial activities that are in conjunction with farm use as defined in Section 403.12(C), but not including the processing of farm crops which are a permitted use as described in subsection 403.02(E), subject to Section 1101, Site Design Review.
- H. The following mineral, aggregate, oil, and gas uses, subject to the standards of Section 404:
1. Operations conducted for mining and processing of geothermal resources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005 not otherwise permitted in this Section.
 2. Operations conducted for mining, crushing or stockpiling of aggregate and other mineral, and other subsurface resources subject to ORS 215.298.
 3. Processing as defined by ORS 517.750 of aggregate into asphalt or portland cement more than two miles from one or more vineyards, totaling 40 acres or more, planted as of the date of application for processing.
 4. Processing of other mineral resources and other subsurface resources.

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5. Temporary asphalt and concrete batch plants as accessory uses to specific highway projects not within two miles of planted vineyards planted as of the date of application for processing.
- I. Home occupation, subject to the standards and limitations set forth in Section 1004.
- J. The following transportation facilities:
1. Construction of additional passing and travel lanes requiring the acquisition of right of way but not resulting in the creation of new land parcels.
 2. Reconstruction or modification of public roads and highways involving the removal or displacement of buildings not resulting in the creation of new land parcels.
 3. Improvement of public road and highway related facilities, such as maintenance yards, weigh stations, and rest areas, where additional property or right of way is required but not resulting in the creation of new land parcels.
 4. Roads, highways and other transportation facilities and improvements not allowed under this subsection or subsection 403.02(K), subject to compliance with OAR 660-12.
[Amended 3/19/98, Ord. 643]
- K. Personal use airports subject to Subsection 403.07(B), and expansion of existing airports.
- L. Golf course as defined in Section 403.12 G, except new golf courses are not allowed on a tract identified as high-value farmland. Existing golf courses on high-value farmland that are wholly within a farm use zone may be expanded to a total of no more than 36 holes, subject to conditional use approval and provided the expansion is consistent with the definition in Section 402.10(D).
[Amended 3/19/98, Ord. 643]
- M. The following utility facilities:
1. New electric transmission lines with right of way widths up to 100 feet as specified in ORS 772.210.
 2. Transmission towers over 200 feet in height within existing right of way.
 3. Television, microwave and radio communication facilities and transmission towers on land principally devoted to forest use.
 4. Utility facilities for the purpose of generating power subject to site design review. A power generation facility shall not preclude more than 10 acres from use as a commercial forest operation or 20 acres from use as a commercial agricultural enterprise on a tract not identified as high-value farmland. ~~or 12 acres on a tract identified as high-value farmland~~ **Photovoltaic solar power generation facilities are not allowed on a tract that contains predominantly Class I through IV soils**, unless an exception is taken pursuant to OAR 660, Division 4.
[Amended 3/19/98, Ord. 643; 5/24/12; Ord. 872]

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5. Water intake facilities, related treatment facilities, pumping stations, and distribution lines.

- N. Private parks, playgrounds, hunting and fishing preserves and campgrounds as defined in subsection 403.12(B), subject to Section 1101, Site Design Review, except such uses are not allowed on a tract identified as high-value farmland. Existing facilities on high-value farmland that are located wholly within a farm use zone may be expanded subject to conditional use approval.
[Amended 3/19/98, Ord. 643]

- O. Permanent logging equipment repair and storage.

- P. Log scaling and weigh stations.

- Q. Fire stations for rural fire protection.

- R. Aids to navigation and aviation.

- S. Reservoirs and water impoundments.

- T. Firearms training facility.

- U. Cemeteries.

- V. Private seasonal accommodations for fee hunting operations, subject to Sections 403.09 and 403.10 and the following requirements:
 1. Accommodations are limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty Code;
 2. Only minor incidental and accessory retail sales are permitted;
 3. Accommodations are occupied temporarily for the purpose of hunting during game bird and big game hunting seasons authorized by the Oregon Fish and Wildlife Commission; and
 4. A governing body may impose other appropriate conditions.

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- W. New distribution lines (e.g., electrical, gas, oil, geothermal) with rights-of-way 50 feet or less in width.
- X. Private accommodations for fishing occupied on a temporary basis, subject to Sections 403.09 and 401.10 and the following requirements:
 - 1. Accommodations limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty Code;
 - 2. Only minor incidental and accessory retail sales are permitted;
 - 3. Accommodations occupied temporarily for the purpose of fishing during fishing seasons authorized by the Oregon Fish and Wildlife Commission;
 - 4. Accommodations must be located within 1/4 mile of fish bearing Class I waters; and
 - 5. A governing body may impose other appropriate conditions.
- Y. Forest management research and experimentation facilities as defined by ORS 526.215 or where accessory to forest operations.
- Z. On-site filming and activities accessory to on-site filming, as defined in ORS 215.306(4), that exceed 45 days on any site within a one-year period or involve erection of sets that would remain in place for longer than 45 days subject to ORS 30.930 to 30.947.

[Added 8/13/98, Ord. 657]
- AA. Operations for the extraction and bottling of water.

[Added 8/13/98, Ord. 657]
- BB. Room and board arrangements for a maximum of five unrelated persons in an existing dwelling.

[Added 8/13/98, Ord. 657]
- CC. Youth camps subject to Section 1101 for site design review and the Oregon Administrative Rules Section 660-006-0031.

[Added 12/05/02; Ord. 720]

EXHIBIT B - ORDINANCE 903

DOCKET NO.: G-01-17

SUMMARY: The ordinance amends the Yamhill County Zoning Ordinance to prohibit the siting of commercial solar generation facilities on a tract that contains predominantly Class I through Class IV soils. This restriction would not prohibit solar projects to serve individual properties for personal use. In other words, for purposes of the amendment, a commercial solar power generation facility does not include a net metering project established consistent with ORS 757.300 and OAR chapter 860, division 39 or a Feed-in-Tariff project established consistent with ORS 757.365 and OAR chapter 860, division 84. The amendment would apply to properties regulated by Section 402, Exclusive Farm use District (EF-20, EF-40 and EF-80) and Section 403, Agriculture/Forestry Large Holding District (AF-20, AF-40 and AF-80) of the Yamhill County Zoning Ordinance.

APPLICANT: Yamhill County

CRITERIA: OAR 660-033-0130(38) and Sections 402, 403 and 1207 of the Yamhill County Zoning Ordinance.

FINDINGS:

A. ANALYSIS OF THE PROPOSED AMENDMENTS

Under Oregon Administrative Rules, the county can choose whether to allow photovoltaic solar arrays to be placed in farm zones. If a county chooses to allow these uses, Oregon Revised Statutes require them to be subject to obtaining a conditional use permit and Oregon Administrative Rules contain minimum standards that must be satisfied. Counties can adopt more restrictive standards and criteria. On March 19, 1997 the County amended the code and adopted standards that required a goal exception if more than 12 acres were precluded from use as an agricultural enterprise on high-value farmland, and more than 20 acres were precluded from farm use on non-high value farm land (Ordinance 643). The standards the County applies are identical to the rules required by the state statute.

In 2010, the County began receiving conditional use applications to site commercial solar power facilities in farm zones, however, the majority of the applications have been since 2016. As of February 6, 2018, Yamhill County has approved seven sites, denied one site and three sites are currently pending; covering a total of 144 acres. All but one of these sites are predominantly Class I through IV soils. Many neighboring property owners to these proposed facilities, as well as organizations, have contacted the county with concerns about allowing these facilities on properties that are actively being farmed, particularly those farms with higher quality soils. The primary concern is that these facilities are having an adverse impact on agriculture in Yamhill County by further reducing the limited supply of highly productive farmland.

Exhibit A to Ordinance 903 contains the adopted amendments to Sections 402.04(M), 402.07(D) and 403.04(M)(4) of the Yamhill County Zoning Ordinance.

B. ZONING ORDINANCE PROVISIONS AND ANALYSIS

1. Section 1207.01 of the Yamhill County Zoning Ordinance (YCZO) contains the process and review criteria pertinent to the proposed zoning ordinance text amendments. The ordinance standards are as follows:

- A. *An amendment may be initiated by the Board, the Commission, or the Director.*
- B. *An owner of land may petition the Board, the Commission, or the Director to initiate such an amendment, but may not initiate the amendment by making such an application.*

Regarding subsections (A) and (B), at the November 2, 2017 hearing for a proposed 12-acre solar facility on high-value farmland, the Planning Commission suggested that Planning Department staff draft amendments to the ordinance for consideration. These amendments were initiated by the Planning Commission.

- C. *Such amendments shall be made only by the Board after review and recommendation by the Commission, and after public hearings have been held by both the Commission and Board, pursuant to Section 1402 of this ordinance.*

Regarding subsection (C), Section 1402.02 states: *Notice of any legislative public hearing authorized or required by this ordinance shall be published in a newspaper of general circulation in the county at least ten (10) days prior to the hearing date.*

A newspaper notice was printed in the Newberg Graphic on February 14, 2018, and the News Register on February 9, 2018. In addition, the required 35-day notice was also sent to the Department of Land Conservation and Development. Further, notice was mailed on February 2, 2018 to all property owners that own land zoned AF-20, 40, 80 and/or EF-20, 40, 80.

- D. *Approval of a legislative ordinance amendment shall include findings showing the amendment is consistent with any applicable federal, state and local government rules and statutes, and comprehensive plan goals and policies.*

Regarding subsection (D), the county is not aware of any state or federal regulations that the proposal would be inconsistent with, and none were raised in the course of hearings on the proposal. Regarding the comprehensive plan goals and policies related to Agricultural Lands, Section II. A:

Goal Statement 2: To conserve Yamhill County's soil resources in a manner reflecting their suitability for forestry, agriculture and urban development and their sustained use for the purposes designated on the county plan map.

Policy a.: Yamhill County will continue to preserve those areas for farm use which exhibit Class I through IV soils as identified in the Capability Classification System of the U.S. Soil Conservation Service.

The prominent Goal and Policy from Section VI. Energy Conservation are:

Goal Statement 2: To promote the conservation of existing depletable energy resources and the development of local, renewable resources to ensure that an adequate supply will be available to Yamhill County citizens at a reasonable cost.

Policy d.: Yamhill County will promote development of renewable energy resources, including but not limited to solar, wind, water and biomass.

The proposed amendment would preserve the most valuable agricultural lands for farm uses while still allowing solar facilities on parcels that exhibit lower class soils. Agriculture plays an integral role in the overall economy of the County and Class I through IV soils have the capability of growing many different crops that contribute to the local agricultural economy. Additionally, the cumulative impact of multiple commercial solar facilities on Class I through IV soils has the potential to materially alter the land use patterns in those areas and make it more difficult for the existing farms in the area to continue operation due to diminished opportunities to expand, purchase or lease farmland, acquire water rights or diminish the number of tracts or acreage in farm use in a manner that will destabilize the overall character of the area.

Some items to note in the decision related to whether this use complies with the Yamhill County Comprehensive Plan are the required features of a solar facility versus the nature of agriculture. Solar facilities can be sited on less productive farmland; on buildings; on signs; on telephone poles; potentially on brownfields; and suspended above parking lots. There is even technology being developed to build them into the surface of roads. Under the ordinance, large-scale solar fields can still be located on non-high-value soils; on land zoned rural residential; in certain commercial and industrial zones; and on property in the urban growth boundary/city limits. In short, solar facilities have a wide variety of options to locate. Agriculture on the other hand is significantly restricted by certain unique features. One of the key features of successful agriculture is the location and availability of appropriate soils. Agriculture needs the soils, especially the most valuable soils, to grow crops. That is why soils are prominent both in the Yamhill County Comprehensive Plan, and also in the zoning ordinance. It is the responsibility of the Board to balance and to weigh potentially conflicting Comprehensive Plan goals and policies. In this case, because solar facilities do not need to be placed on Class I through Class IV soils, and because those soils are of central importance to the agricultural

economy of the county, protecting those soils from numerous 12-acre solar arrays is more consistent with the Comprehensive Plan than allowing additional arrays.

E. Changes to the County zoning map which result from legislative ordinance amendments shall be made and become effective upon filing said ordinance with the County Clerk.

Regarding subsection (E) above, the request does not involve a map amendment.

CONCLUSIONS:

1. Ordinance 903 amends the text of the Yamhill County Zoning Ordinance. The amendment would prohibit the siting of commercial solar generation facilities on a tract that contains predominantly Class I through Class IV soils.
2. The ordinance text language complies with the review criteria for a legislative amendment in Section 1207.02 of the Yamhill County Zoning Ordinance.
2. The proposed amendments are consistent with the Yamhill County Comprehensive Plan goals and policies (as those goals and policies are interpreted and balanced by the Board) and are otherwise consistent with law.