

BOARD ORDERS AND MINUTES

IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

FOR THE COUNTY OF YAMHILL

SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY ("the Board") sat for the transaction of county business in formal session on April 26, 2018, at 10:00 a.m. in Room 32 of the courthouse, Commissioners Mary Starrett, Richard L. "Rick" Olson and Stan Primozich being present.

Also present were Laura Tschabold, County Administrator; Ken Huffer, Deputy County Administrator; Christian Boenisch, County Counsel; Mikalie Frei, County Counsel staff; Ken Friday, Planning Director; Stephanie Armstrong, Associate Planner; Dave Adams, KLYC Radio; Nicole Montesano, News-Register; and others as listed on the sign-in sheet.

Commissioner Starrett called the meeting to order at 10:05 a.m. The invocation was offered by Lila Pearson.

A. PUBLIC COMMENT: This thirty-minute time period is reserved for public comment on any topic other than: 1) agenda items, 2) a quasi-judicial land use matter, or 3) a topic scheduled for public hearing. Unless extended or restricted by the Chair or majority of the Board, public comment will be limited to three minutes per person.

Resolution

1. **B.O. 18-117** - Consideration of adopting Resolution 18-05-03-1 proclaiming May 3, 2018 as National Day of Prayer.
Commissioner Starrett read the resolution aloud after Commissioner Primozich moved to approve item A1. The motion passed, Commissioners Primozich, Starrett and Olson voting aye.

B. CONSENT AGENDA:

Commissioner Primozich moved approval of the consent agenda as presented. The motion passed, Commissioners Primozich, Starrett and Olson voting aye.

Minutes

2. Approval of the following minutes:
 - a. **B.O. 18-118** - February 20, 2018, Informal Work Session;
 - b. **B.O. 18-119** - March 13, 2018, Informal Work Session; and
 - c. **B.O. 18-120** - March 20, 2018, Informal Work Session

Contracts/Grants

3. **B.O. 18-121** - Approval of Amendment #2 to the Agreement between Yamhill County Health & Human Services and Catholic Community Services (B.O. 15-236), effective May 1, 2018.
4. **B.O. 18-122** - Approval of a change order to the Agreement between Yamhill County Health & Human Services and Integrity Builders (B.O. 17-365) in the amount of \$27,414.
5. **B.O. 18-123** - Approval of an Agreement between Yamhill County Solid Waste Department and Parametrix, Inc. for the post-closure monitoring, reporting and permit compliance technical assistance project for Whiteson Landfill in the amount of \$50,376, effective December 15, 2017 through December 31, 2020.
6. **B.O. 18-124** - Approval of an Agreement between Yamhill County Solid Waste Department and Parametrix, Inc. for the post-closure monitoring, reporting and permit compliance technical assistance project for Newberg Landfill in the amount of \$53,560, effective December 15, 2017 through December 31, 2020.
7. **B.O. 18-125** - Approval of the submission of the application for the 2018-2019 Yamhill County Assessment Function Funding Assistance (CAFFA) Grant Application in the amount of \$2,481,569.
8. **B.O. 18-126** - Approval of a change order to the Agreement between Yamhill County Public Works and Haworth, Inc. (B.O. 16-266) in the amount of \$4,797 for the increase of landfill debris disposal rates regarding the Public Works shop demolition.
9. **B.O. 18-127** - Approval of an Agreement between the Yamhill County District Attorney's Office and Corrective Solutions for the purpose of implementing the Community Accountability Program.
10. **B.O. 18-128** - Approval of a proposed rate increase of 3.5% by Yamhill County Solid Waste Department for Recology Western Oregon, effective July 1, 2018.
11. **B.O. 18-129** - Approval of a proposed .95/ton CPI increase by Yamhill County Solid Waste Department for Riverbend Landfill tipping fees, effective July 1, 2018.

C. **OLD BUSINESS:** None.

D. **B.O. 18-130 - OTHER BUSINESS** (Add-ons and non-consent items):

1. Consideration of the transfer of appropriation authority and funds in the amount of \$358,932 from Discretionary (010-002) to Transportation (010-033) for the purchase of four (4) new buses.

Ms. Tschabold stated that Ms. Thompson provided the correct financial information. Commissioner Olson moved approval of item D1. The motion passed, Commissioners Primozych, Starrett and Olson voting aye.

Regular session recessed at 10:11 a.m.

E. PUBLIC HEARINGS:

1. Docket G-01-17, a request by Yamhill County to consider amendments to 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, unless an exception is taken pursuant to OAR 660, Division 4.

Commissioner Starrett opened the public hearing at 10:11 a.m.

There were no abstentions or objections from staff. Mr. Sadlo gave summary regarding the proposed ordinance change.

Joel Kiff, representing the board of Yamhill – Carlton Wine Growers Association, gave comment in support of changing the ordinance for a prohibition of solar installation on agricultural lands.

Kelene Payne gave comment to oppose amendment. Ms. Payne explained her family farming history and gave comment regarding the positive impact of change for the greater good despite the individual impacts towards farms and their owners, stating that solar installations are a land owner's right to diversify their land.

Anthony Stewart, Carlton resident/land owner, gave comment in opposition of the amendment, speaking towards the impacts of adaptation of land usage on future generations.

Emily Molloy gave comment stating her concern towards the vetting of solar companies and that the contractors abide by the assigned board order stipulations. Ms. Molloy gave detail about the impact in the surrounding area of the Mill Creek solar facility near her home such as the converter noise beyond the array boarder, panel glare, the lack of planting trees/foliage to hide the chain link fence along two boarders and remaining soil piles.

Nathan Butler representing Forefront Power, a solar developer, gave comment about the local impact of solar energy citing the use and benefit to farms and wineries to manage energy costs in the county area as a result of on-site arrays which are excluded from the ban. He noted that residents and business who rent or who have trees on their property cannot effectively use solar energy options but projects like community solar programs enacted through the legislature and the utility commission serve residents who cannot install solar panels on their own land/properties. Mr. Butler explained that solar installations placed on properties as small as 12 acres can provide a solar feed to generate and use locally as well as providing local economic benefits.

Mason Rolf gave comment in favor of solar arrays, citing landowner options based on his experience of solar array installations in other communities which resulted in increased water

retention, increased soil aeration, biodiversity and increased bee habitats with the addition of native pollinator plants near the solar array.

Nick Giannettino, commented favoring solar arrays as long as they are appropriately sited and scaled for the selected location, noting that agricultural soils and residential space should not be impacted. Mr. Giannettino suggested that review procedures include evaluation of cumulative effects on quality of life of residents and wildlife, the fragmentation of large sections of agricultural land, the loss of visual resources and the loss of productivity for the service life of solar installations. Mr. Giannettino provided handout and previously submitted testimony.

Ron Hutchison gave comment opposing solar facilities on farming land. Mr. Hutchison noted other location options for possible installation solar sites other than farming land.

Billie Jean Matthews gave comment opposing the amendment change. Ms. Matthews provided handout.

Damien Hall provided handout. Mr. Hall gave comment on behalf of his client Cypress Creek Renewable. Mr. Hall gave testimony regarding the history of land use for solar use purposes. Noted that his client would like open conversation with the Board/County to discuss policy decisions.

Sid Friedman gave a power point presentation and testimony and prefer to forgo solar arrays on their farmland. He showed slides exhibiting various potential industrial sites in Yamhill County for solar facility installation sites.

Josh Rojas commented opposing the solar array facilities.

Casey Kulla submitted written testimony but declined to speak.

Grace Schaad, of Schaad Orchards, LLC, gave comment in support of the amendment to protect farmlands.

Alex Davis gave comment in support of the amendment. Written testimony submitted.

Craig Markham submitted testimony but declined to speak.

Catherine Jurnstedt of Jurnstedt Century Farms and president of Friends of Yamhill County, commented in support of amendment. FYC supports county renewable energy but concerned about converting agricultural lands for the purpose of industrial solar panel usage. She noted long term impact on lands and short term impact on employment. Ms. Jurnstedt submitted testimony electronically.

Johnathan Nelson, a solar developer, gave comment in favor of solar renewable energy. He noted that solar has the least impact on land and displaces fossil fuels that contribute to negative environmental effects. Mr. Nelson stated that banning solar facilities is an attempt to limit personal property rights of landowners and protects the interests of other industries such as nurseries, solid waste facilities or the wine industry under the guise of protecting high value soils. It is one of the most benign uses of EFU lands and lends itself to the monetary impact to farmers.

Alecia Juber gave comment supporting solar energy but does not favor large solar "farms". Noted that industry and larger city developers are absorbing valley farmland, thereby eliminating farm land for agricultural purposes.

Barbara Boyer gave comment in opposition. Ms. Boyer spoke as the Chair of Yamhill County Soil & Water Conservation District. Noted Docket C-20-17 regarding the soil compaction.

Ximena Orrego commented as a proponent. Electronically submitted testimony.

Kim Hamblin gave comment as a proponent in support of the amendment. Favors solar energy but not on farmland. Notes that agri tourism is impacted by industrial landscapes. Suggested that farms being used for solar should be taken out of deferral. Planning commission should notify the residents when solar applications are received.

Megan Korvis commented in opposition of the ban. Suggested a "fee" be implemented upon removal and rehabilitation of land. Noted that nurseries sit on Class I – IV soil lands which are utilized industrially and graveled over carrying potential long term soil impacts.

Ken Friday gave follow up commentary and provided a map to identify solar applications. (See Exhibit "A"). Mr. Friday stated the industrial scale solar facilities are not dependent on Class I-IV agricultural soils, while farming is dependent on these soils. The comprehensive plan directs the County protection of Class I-IV soils for agricultural use. Mr. Friday recommends approval of the ordinance amendment.

Mr. Sadlo gave comment that an amendment ordinance can be available for first reading on Thursday, May 3, 2018.

Public hearing closed at 11:35 a.m.

Commissioner Primozych made a motion to approve the ordinance as presented by the Planning Department.

Commissioner Olson commented that he does not see the long term benefit of allowing solar facilities, neither agriculturally or economically in the local area.

Commissioner Starrett commented on the testimony received by citizens and noted that solar builders are only allowed to build on farms only if farmers have given consent. Commissioner Starrett would be in favor of a moratorium.

Commissioner Primozich commented that farmers should be able to utilize their farmlands for monetary gain but does not favor the potential long term impact on farm land.

Commissioners Primozich and Olson voted in the affirmative to approve the ordinance. Commissioner Starrett voted in the negative. The ordinance will be adopted on Thursday, May 3, 2018.

Commissioner Olson suggested a follow up work group to review after the ordinance is adopted. Mr. Sadlo clarified that because of a split vote, the "moratorium" time is 90 days upon the date of the vote. Adopting an emergency clause would not void the ordinance vote.

Formal session resumed at 11:50 a.m.

Add On: Commissioner Primozich requested an appointment of Jeff Knapp to the Willamette Valley Visitors Association Board to represent Yamhill County. Commissioner Starrett requested to bring this item back to next Thursday's joint session.

F. ANNOUNCEMENTS:

1. For information on county advisory committee vacancies, please refer to the county's website, www.co.yamhill.or.us/content/volunteer-opportunities, or call the Board of Commissioners' office at 503-434-7501 or 503-554-7801 (toll-free from Newberg).

For questions regarding accessibility or to request an accommodation contact the Board of Commissioners' office at (503)-434-7501 or (503)-554-7801 (toll-free from Newberg) or email at bocinfo@co.yamhill.or.us

Following Commissioner announcements, the meeting adjourned at 11:54 a.m.

Carolina Rook
Secretary

YAMHILL COUNTY BOARD OF COMMISSIONERS

Chair  MARY STARRETT

Unavailable for signature

Commissioner RICHARD L. "RICK" OLSON


Commissioner STAN PRIMOICH

Accepted by Yamhill County Board of Commissioners on 6/21/18 Formal Session by Board Order

18-201

Yamhill County

Solar Facilities and Farmland

Legend

-  PGE Substations
-  Substation 3-mile Buffer
-  Approved Solar Applications
-  Denied Solar Applications
-  Pending Solar Applications
-  Land Zoned EF or AF
-  Cities
-  State Highways
-  County Roads

