



Marion County OREGON

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MEMORANDUM

TO: Marion County Board of Commissioners
FROM: Marion County Planning Division/Fennimore
SUBJECT: Photovoltaic Solar Arrays in Farm Zones
DATE: March 2, 2018

ISSUE

Since 2015, Marion County has approved numerous applications to establish photovoltaic solar power generation facilities in farm zones. While these facilities are allowed as a conditional use in these zones, there are concerns that the establishment of these facilities is taking valuable land out of production for farming.

On December 27, 2017, the Marion County Board of Commissioners adopted a resolution initiating amendments to the Marion County Rural Zone Code to review the standards for the establishment of photovoltaic solar arrays (commonly referred to as “solar farms”) on high-value farmland soils to better ensure that photovoltaic solar power generation facilities are not established on land that is being farmed.

The Board’s initial resolution directed the Marion County Planning Commission to make a recommendation to the Board on proposed amendments without holding a hearing. It was later determined that the Planning Commission must hold a public hearing before it can make a recommendation to the Board. Due to the county's desire to consider potential amendments in a timely manner, the Board adopted a new resolution on January 31, 2018, which did not request the Planning Commission to make a recommendation and instead scheduled a public hearing before the Board for March 14, 2018.

BACKGROUND

Under Oregon state law and administrative rules, the county can choose whether or not 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 June 26, 2011, 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 unless a goal exception was granted. On February 23, 2013, the current standards in MCC 17.120.110, specific to photovoltaic solar arrays, were adopted and these standards are identical to the minimum required by state statute and rule.

In 2015, Marion County began receiving conditional use applications to site photoelectric solar power facilities in farm zones. As of March 1, 2018, Marion County has approved 17 sites covering a total of 205 acres. All but one of these approved sites is on land that is composed primarily of high-value farm soils, and many of those approved sites consist of Class I and II soils. There are provisions in the current code that require the facilities to be placed on the lesser value soils of a parcel unless that placement will disrupt the existing farm operation.

Individuals and organizations have contacted the county with concerns about allowing these types of facilities on land that is actively being farmed, particularly farms with higher quality soils, which comprise most of the farm soils in Marion County. The concern that was raised is that these facilities are having an adverse impact on agriculture in Marion County by further reducing the limited supply of highly productive farm land.

Staff discussed the issue with the Board at a public meeting on December 6, 2017, and directed the Planning Director to forward all new conditional applications for solar arrays directly to the hearings officer for a public hearing. This allows neighboring property owners to participate in the process before an initial decision is made and provides a thorough legal and technical review of all the criteria.

The Board requested staff prepare draft code amendments for it to consider that would create standards for the establishment of photovoltaic solar power generation facilities on farm land. The revised standards are intended to ensure the facilities are being placed on land that is not being farmed due to the feasibility of the property to be farmed economically and physical constraints on the land, such as steep slopes, rocky or wet soil, etc.

RECOMMENDATION

Staff recommends that the Marion County Board of Commissioners approve adoption of the amendments as provided in the attached document.

Attachment:
Proposed Amendments