

**DATE:** December 9, 2018

**TO:** Rob Hallyburton, Jon Jinings – Department of Land Conservation & Development

**REGARDING:** Conversion of agricultural farm land to solar installations

**From:** Sam Sweeney, co-owner of a four generational family farm growing the traditional mid valley crops of Hazel nuts, Marion Berries, grass seed, clovers irrigated processed vegetable crops on approximately 1500 acres in Yamhill County.

It is my understanding that DLCD is considering adopting regulations that would define criteria regarding the conversion of farmland in the Willamette Valley to site solar installations and recently developed a draft policy for consideration.

Recently I had the opportunity to review that draft which I found difficult to understand. In response, the following are my general comments and reasons why DLCD needs to take a more proactive stance on protecting the land base that agriculture requires and needs to support economically the counties and communities in the valley.

- Any conversion of any agricultural soil type depletes the farm soil base that farmers need to produce commodities that fuel the economies of valley counties.
- Farm land is limited, what we have is all we have --- none can be made. Therefore, the loss of any farm land increases land rents and prices and eventually the cost of agricultural commodities driving consumer costs upwards.
- The loss of farm land directly reduces the purchase of products and services such as fertilizer, repairs and other needs that the agricultural business infrastructure relies on to remain viable.

## Page two - Conversion of agricultural farm land to solar installations

- Income from solar installations is not committed to supporting the agricultural businesses in a county, but instead can be used for anything; the purchase of stocks and bonds, vacations, etc. This is in contrast to gross income from farm commodities. Up to approximately 75% or more of gross income from the production of ag commodities goes to support local businesses that supply products and services which is part of a county's agricultural infrastructure.

In summary, please consider a more protective approach to keeping the limited amount of farmland reserved for agriculture purposes that communities' and counties and the agricultural infrastructure rely on.

Farmers need agricultural land to produce commodities. Solar installations only need space and that is where they should be encouraged to site their installations.

It should also be recognized that the Willamette Valley supports and relies on tourism for part of their economy base. Tourists come and want to see the valley's quint rural farm country attractiveness. Arrays of solar panels detracts from the valleys beauty and are out of place in farm areas. Solar installations should be sited in an industrial area.

I was disappointed to see the term "Dual Use" in the draft proposal to be considered in agricultural areas. This weakens the integrity of a farm zone and reminds me of the Arabic idiom: "When you allow a Camels nose inside the tent; it's not long before the camel is in the tent."

Sincerely,

Sam Sweeney

Country Heritage Farms

Sid Friedman  
14286 NW Old Moores Valley Road  
Yamhill, OR 97148

December 9, 2018

Solar Rulemaking Advisory Committee  
Jerry Lidz, Chair  
Department of Land Conservation & Development Commission  
635 Capitol Street NE  
Salem OR 97301

Dear Chair Lidz and Committee Members,

I have had an opportunity to review the Solar Rule Amendment draft that you will consider at your meeting on December 11. I have the following comments:

**General comments:**

My wife and I have a hay and timber operation west of Carlton in an EFU zone. Like many other farms, we have received multiple unsolicited letters from developers of large scale photovoltaic solar arrays seeking good farm ground to use for their nonfarm uses. We are very supportive of renewable energy projects, including photovoltaic solar. However, we are concerned about the unrelenting piecemeal conversion of agricultural lands to these nonfarm uses. Our agricultural industry already uses solar energy to produce crops- its called farming.

There are many alternative locations for solar arrays. Our area has abandoned mill sites and other brownfield industrial locations that are ideal locations for solar arrays because they are already asphalted or graveled and will not take agricultural land out of production. Solar arrays can be placed on rooftops, racked above parking lots, placed on utility poles, and in highway median strips. Agriculture needs our most productive agricultural lands; solar photovoltaic projects do not.

During Yamhill County hearings, energy developers have stated they selected sites on EFU land because the farmland was less expensive than the alternative sites. We cannot continue to sacrifice agricultural lands because they are cheaper to lease than industrial land, abandoned mills sites, rooftops, and other alternative areas.

**Proposed rule amendments:**

All high value farmland must be protected (p. 2, lines 41-42): While the proposed rules provide some protection for Class I and II soils, they do not stop the continuing incremental conversion of all our other high value agricultural land in 12-acre chunks. These lands produce some of our most valuable crops, including wine grapes and hazelnuts. **We urgently need to prohibit commercial solar arrays on all high-value land as defined in ORS 195.300.**

“Dual-use” is an end run around farmland protections (p. 1, lines 14-16; p. 4 lines 13-21): The proposed rule amendments not only fail to adequately protect high-value farmland, they create a new loophole for energy developers to go beyond the current 12 acre limit under the guise of “dual use.” The concept is ill-defined and lacking in sideboards and seems to have been hastily drafted without any understanding of its on-the-ground impacts.

Even if real farming for a profit could actually occur on the footprint devoted to energy production, it would still harm the farm economy. Farmers typically change crops all the time in response to market conditions. Despite some sheep grazing under solar arrays, it still means the land can't be used for a higher value crop like wine grapes, hazelnuts, or even grass seed. The inability to change crops would be a tremendously significant change in accepted farm practices.

Forfeiture of the proposed bond could easily become just a cost of doing business, enshrining payments to convert farmland into statewide rules. Moreover, reliance on counties to monitor and enforce is at best an unfunded pipedream.

It also makes no sense whatsoever to replace the acreage limitation with a generating capacity threshold. Why should less efficient installations be allowed to impact more farmland than an efficient one? What matters is the amount of impacted farmland, not how much energy a plant produces.

Adopt a meaningful alternatives analysis (p. 3, lines 1-12): Staff does not propose changes to (38) (g) (f) (top of page 3). For any commercial solar power generating facility, it is grossly inadequate for the alternative location analysis to be limited to the subject parcel itself, as is currently the case. There may be poorer soils on an adjacent or nearby tract. An inquiry that only asks whether there are poorer soils on the same parcel in no way shape or form acts to direct power generating facilities to locations that least impact agriculture. Extend the alternative site analysis to the service area of the power company that has contracted to buy the power, or at least an area within 2 miles of the substation that will receive the power from the proposed facility.

One mile separation needs to consider all nonfarm uses (p. 3, lines 14-17): The proposed limitation on new arrays within 1 mile of an approved array should be within one mile of any nonfarm use. The cumulative impacts from nonfarm uses is the issue here, regardless of what those existing nonfarm uses are. Many exclusive farm use areas are approaching or have already reached the saturation point from the cumulative effects of nonfarm uses. It makes no sense to add the proverbial 12-acre straw to the camel's back, just because there isn't already a solar array within a mile.

In addition, the proposed separation from other projects only applies when the existing project(s) has not only received land use approval, but also obtained building permits. Astute energy developers will obtain land use approvals for multiple projects before making application for building permits. The separation should apply after land use approval has been received, regardless of whether or not building permits have been obtained.

Empower ODFW (p. 6, lines 34-37): Under current rules, when wildlife conflicts exist and an energy developer does not agree with ODFW on mitigation, the county becomes the final arbiter. This potentially neuters mitigation requirements. Counties lack the expertise, the resources, and too often the will, to adequately address wildlife conflicts and appropriate mitigation. The last sentence of this section should be stricken, leaving authority to resolve wildlife conflicts where it belongs; with ODFW.

I hope these comments are helpful. Please include them in the record of this proceeding.

Sincerely,

A handwritten signature in black ink, appearing to read "Sid Friedman", followed by a long horizontal flourish line extending to the right.

Sid Friedman



P.O Box 1083  
McMinnville, OR 97128

December 10, 2018

Helping to shape the use of our natural resources to protect the quality of life in Yamhill County.

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Solar Rulemaking Advisory Committee  
Department of Land Conservation and Development  
6635 Capitol Street NE  
Salem, OR 97301

Dear Committee Members,

Friends of Yamhill County (FYC) works to protect natural resources through the implementation of land use planning goals, policies, and laws that maintain and improve the present and future quality of life in Yamhill County for both urban and rural residents. We have attended all of the DLCD RAC meetings, have reviewed the draft Solar Rule Amendment and appreciate the opportunity to offer these comments.

FYC is supportive of renewable energy projects, such as solar, but is deeply concerned about the cumulative effect of the escalating conversion of our best agricultural lands to non-agricultural uses. We have been actively involved with the process of siting these commercial energy generation facilities on high-value Yamhill County agricultural lands. We've watched as these developments continue to chip away at the finite supply of high value farmland that is critical to sustaining our area's vital agricultural economy.

The solar industry is promoting a "dual-use development" concept in which commercial energy generating facilities supposedly promote responsible land stewardship that does not detract from the local agricultural area. We reject the notion that the solar rules should be relaxed to accommodate this concept and that the industry should be rewarded for things they are already required to do. There are numerous facilities of all sizes, on both sides of the Cascades, approved or built, where these experiments may be tried. Under present rules, larger facilities may be sited using the Exception process. This proposed amendment (page 1, lines 14-16) introducing "dual use" should be struck.

At your November 14 meeting county planners and DLCD staff addressed the tangle of issues which make effective compliance extremely challenging. The bonding proposed (page 4, lines 13-21) offers some incentives for dual-use developers to maintain their projects, but fails to address compliance. It makes no sense to create new rules without any effective method of enforcing them. Furthermore, this amendment shifts the size of allowable development thresholds from an acreage standard to one based on Mw output. Such a shift would allow larger amounts of our high-value lands to be converted to this industrial use. This proposed amendment (page 4, lines 13-21) should not be adopted.

We recommend adoption of the changes (page 2, lines 2-6, page 4, lines 23-27, page 5, lines 25-29) making the temporary rule permanent.

The proposed changes to the rules on soil erosion (page 2, lines 21-25); simply restate what the rule already says. Changes to the existing rule are unnecessary and should not be adopted.

The proposed changes (page 2, lines 41-42) protect some high-value lands, but not all of our high-value agricultural lands. Commercial solar energy facilities should be prohibited from **all** of our high-value farmland as defined in ORS 195.300.

We have long argued with Yamhill County about the cumulative impact of the conversion of high-value agricultural lands to non-ag uses, including, but not limited to commercial solar. The present rule (page 3, lines 14-34) fails to effectively address the effects of the cumulative impact of these conversions to the agricultural community. We suggest the following changes:

**Line 14: G. No other non-farm use has been constructed or received land use approvals on lands zoned for exclusive farm use within one mile measured from the center of the proposed project.**

Delete lines 19-34.

Maintaining a vital agricultural community is dependent on the availability of high-value soils. Commercial solar facilities need land and available infrastructure, but not our best soils. Developers have testified during Yamhill County hearings that they target agricultural lands because they are the cheapest alternative. Current rules fail to adequately address this. We suggest the adoption an alternate analysis rule similar to that applicable to commercial wind power generation facilities, OAR 660-330-37 (a)(A):

**Reasonable alternatives have been considered to show that siting the wind power generation facility or component thereof on high-value farmland soils is necessary for the facility...**

We agree that the sunset clause relating to ODFW should be deleted (page 6, line 39). We also urge the deletion of the previous sentence (lines 34-37), empowering ODFW to effectively carry out its mission.

Again, thank you for the opportunity to comment, please add these to the record.

Sincerely,

/s/

Tom Abrego  
Friends of Yamhill County

**From:** JANE BAER  
**To:** [Hallyburton, Rob](#)  
**Subject:** SOLAR RULEMAKING ADVISORY COMMITTEE MEETING  
**Date:** Sunday, December 09, 2018 6:38:19 AM

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Dear Mr. Hallyburton:

I would be grateful if you could include my comments (shown below) in the meeting packet for the Solar Rulemaking Advisory Committee Meeting to be held on Tuesday, December 11, 2018.

Thank you.  
Sincerely,  
Jane Baer

29740 SW Mill Creek Road  
Sheridan, OR 97378  
December 9, 2018  
Solar Rulemaking Advisory Committee  
Oregon Department of Land Conservation & Development  
635 Capitol Stree N.E  
Suite 150  
Salem, OR 97301-2540  
Dear Committee Members:

I would like to thank you for serving on this Committee, and for giving time for public testimony.

I attended your last meeting, and recognize the difficult task you are faced with, and due to the difference in topography and climate on the East and West side of the Cascades, hope you can come to a "one size fits all" solution.

I do not have any initials after my name, and can't even claim to be an Oregonian (I've only lived here for just over fourteen years), but I do have a unique perspective regarding solar arrays on 12 acre sites on EFU land. My neighbors and I have a new neighbor, 12 acres of solar panels which we watched through the whole construction process, and based on what we witnessed, I cannot believe the land can be returned to its original state.

At the end of your last meeting you were given a presentation showing a bucolic scene of sheep grazing with solar panels in the background. The immediate conclusion was drawn that solar arrays needn't take the land out of productive farming. However, while this research is applauded and urgently needed, it was a very controlled setting. Solar arrays are still a new technology, and there needs to be more substantive research into the effect on livestock and vegetation before this use becomes a criterion for conditional use of EFU land. I cite the example of my neighbor's sheep not grazing on the side of her pasture closest to the 12 acre array while the invertor is running (the invertor runs all day as long as the sun is shining). I've also heard that milk production in dairy cows



has dropped when they are close to solar arrays. Please do not rush in to allowing solar arrays on prime farmland for 20 years because there could be a co-use. One of the “selling” points by developers is that these solar sites do not need water – livestock, and even bees, need water so water would have to be supplied to these sites.

At the present time it appears to me that these smaller arrays bring no advantage to Oregon, except it looks good on paper. We have been told that a small amount of the power generated might be used locally if the sub-station has the sophisticated metering system which allows the directly generated incoming power to be redirected, and not directed immediately into the grid. So, we are sacrificing some of the most fertile soils in the world. Soils that can produce crops and livestock which provide immediate benefits to us and the world. Please remember that plant life is also crucial in helping to clean the air that we breath.

In the last few weeks we’ve had several reports and warnings on Climate Change and Global Warming, and I hope you can all agree that action needs to be taken. Solar panels/arrays can be, and should be placed on land which is not classified as EFU. If necessary the solar industry should be willing to upgrade infrastructure in areas of lower class soils to carry the generated power to the grid system. We are already losing much quality land to urban sprawl and new highways, and we should not sacrifice more, especially as solar can be placed elsewhere.

You might not see a solar array every day, and you most probably don’t live next to one, but the cumulative number of acres taken out of farm production is quite alarming in some counties. Please, close the loopholes which have allowed developers to place these arrays on EFU land, and, do not change the ordinance to allow 20+ acre sites on EFU land. The only tangible benefit of this is for the developer and investors. There is no cheaper power for Oregonians, no steady employment opportunities, no benefits to local economies.

The original intent of allowing solar on 12 acres of EFU land was admirable and it was not foreseen that developers would seize the opportunity which has led to the Rule being abused. It has also caused staff at County Planning Departments to be torn between two ideals – clean, renewable energy and preserving our valuable farmland. Please, with your amendment, give them clear guidelines and close the loopholes that developers have been using.

The sun provides us with an incredible free, clean source of power. Please, let’s do our best to use it judiciously and not destroy the wonderful gift of soil that Oregon has been blessed with.

Sincerely,  
Jane Baer

**From:** Nicholas Giannettino  
**To:** [Hallyburton, Rob](#)  
**Subject:** Solar industrial conversion of high value farmland  
**Date:** Sunday, December 09, 2018 4:12:42 PM  
**Attachments:** [COUNTY PLANNERS RECEIVE APPLICATION FOR SOLAR POWER FACILITY IN FLOODPLAIN.docx](#)

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Mr. Hallyburton,

I am forwarding comments I have written on behalf of our neighbors who are being literally surrounded by constructed and proposed solar developments on high value farmland in the vicinity of Sheridan. This conversion of high value farmland to industrial solar uses must stop. Farmland is uniquely dependent on soils, industrial solar development is not. This conversion must end as it is changing the very nature of the places that we live in and call home. We need your help to stop this short-sighted conversion of our farmland to industrial uses. We need farmland for farms, not money-making, short-sighted inappropriate uses of our valuable, irreplaceable agricultural lands. If you need me to elaborate please feel free to contact me.

Nick Giannettino  
Sheridan

## COUNTY PLANNERS RECEIVE APPLICATION FOR INDUSTRIAL SOLAR POWER FACILITY IMMEDIATELY UP-RIVER FROM SHERIDAN, WITHIN THE 100- YEAR FLOODPLAIN OF THE SOUTH YAMHILL RIVER

Yamhill County planners recently received an application from Clapham Solar LLC for one more industrial solar power generating facility proposed on Yamhill Valley farmland located at 747 SW Mill St. in Sheridan. This is in addition to the one constructed seven-acre (approximately) facility along Highway 18 located about .3 miles east of Steel Bridge Road in Polk County; and a 12-acre facility located between Mill St. and Highway 18 approximately ½ mile west of the Red Prairie Road junction. There is also a 12-acre facility proposed on the corner of Red Prairie Road and Mill Cr. Road, within ½ mile of this current proposal. A 12-acre facility on Ballston Road approximately one mile south of Highway 18 just south of the prison is nearly complete, and an additional facility just starting construction northwest of the Ballston Road development has also been approved. Most proposals are scheduled for a minimum operational period of twenty years.

These are the industrial solar facilities located on county lands and do not include the large 70-acre site within the City of Sheridan Urban growth boundary on the north side of the city.

While many people understand the need for renewable solar energy and development of alternatives to fossil fuels, some residents have shared their concerns with county officials about the construction and operation of vast swaths of solar panels in place of crops on some of the most productive farmland in the state, and for that matter, in the world.

Citizen's concerns related to this specific proposal include the safety of this development within the 100-year floodplain. Specific concerns surround the appropriateness of such a development within the floodplain including the threat from floodwaters themselves, and additional flood related impacts from debris dams formed along the chain-link fence proposed to enclose the structure. Citizens expressed concerns that not only can flood debris become entangled in the fence, but also combine with the metal rack and panels associated with the facility to exacerbate flooding, causing debris dams that could threaten the railroad bridge and the Green Bridge downtown, in addition to raising water levels to increase the threat to hundreds of Sheridan residents. Additional concerns include the potential leaching of metals from the solar panels, including Cadmium, Aluminum and a variety of other toxic compounds. This is especially a concern if the panels are damaged or broken in a flood, earthquake, hailstorm or other natural disaster. Also, concerns have been raised about potential effects from a fire, either a wildfire or fire starting in the facility itself. This is particularly alarming with afternoon winds which typically blow downriver, toward the city of Sheridan, blanketing residents in a cloud of toxic smoke laced with hazardous chemicals from the panels.

Residents south of the project along Mill Cr. Road also are concerned about the glare from 12 acres of solar panels. Their concerns center around the degradation of the scenic agricultural river bottoms viewed from their residences, as well as the adverse effects on their property values resulting from the proposed development.

Comments on this proposal are due on or before 5:00 PM, December 3, 2018. If you have questions or concerns regarding this proposal, please share them in writing with the staff at the Yamhill County Department of Planning and Development, 525 NE 4<sup>th</sup> St., McMinnville, OR 97128, 503-434-7516.



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December 11, 2018

Rulemaking Advisory Committee  
Land Conservation and Development Commission  
635 Capitol St. NE, Suite 150  
Salem 97301-2540

#### **RE: Comments on the December 5, 2018 Solar Rule Amendment Discussion Draft**

Good Morning Committee Members:

For the record, my name is Roger Kaye, current President of Friends of Marion County. Friends of Marion County is a 501(c)(3) farmland protection organization founded in 1998. Our mission is to protect farm and forestland, parks, and open space.

We have already submitted written comments to LCDDC with attached exhibits in our letter of July 16<sup>th</sup> and additional oral testimony on July 26<sup>th</sup> to address temporary rulemaking about this issue and to the RAC meeting on October 29<sup>th</sup>.

Since the last RAC meeting on Oct 29<sup>th</sup> that we addressed this issue, the Marion County Solar Workgroup met several times in an unsuccessful attempt to reach a compromise. The solar developer groups submitted a map which provided a clear picture of the potential impacts of 12 ac. sites in Marion County.<sup>1,2</sup> We opposed the potential placement within a 2 mile radius of 27 PGE substations with potential impacts on nearly 90,000 acres of farmland.

We reviewed the Dec 5<sup>th</sup> Solar Rule Amendment Discussion Draft and have the following comments:

1. We agree that protection of high-value farmland (HVF) should be given the highest priority and should be extended to include lots or parcels that include high value soils as described in ORS195.300(10).
2. In Marion County solar developers suggested a 2 mile buffer to the 12 acre arrays. This proposal suggests a 1 mile buffer. Both of these standards are arbitrary and do not reflect the actual impacts to HFV. The impacts of solar development should be considered in addition to the other cumulative impacts from non-farm uses that impact farmland.
3. Dual use arrays are not a viable option and we do not support this proposal. It has been suggested that bee apiaries and sheep farming are suitable uses in conjunction with solar arrays. These uses are not common and/or not profitable. In order to accommodate a tractor the vertical support frame structures must be more widely separated. In a 3MW solar array, the consumption of HVF would be substantially larger than the current 12 acre limit. Farmers already have difficulty negotiating their fields if obstacles are present. Colliding with a solar array could have disastrous consequences.

4. Applicants must provide a full decommissioning plan supported by a 100% bond which will guarantee a return of the property to farm use.

Thank you for your consideration.

Roger Kaye, President  
Friends of Marion County  
P.O. Box 3274  
Salem, OR 97302  
503-743-4567

Exhibits:

1. Marion County soils classification
2. PGE substation map – 2 mile buffer

# Marion County Soil Classification

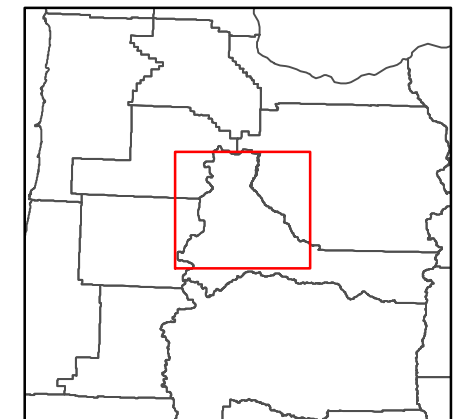
## SubStation Locations

- Distribution
- Transmission
- Foreign

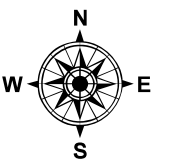
## Land Capability Class

- 1
- 2

- PGE Service



Scale  
1 inch = 3 miles

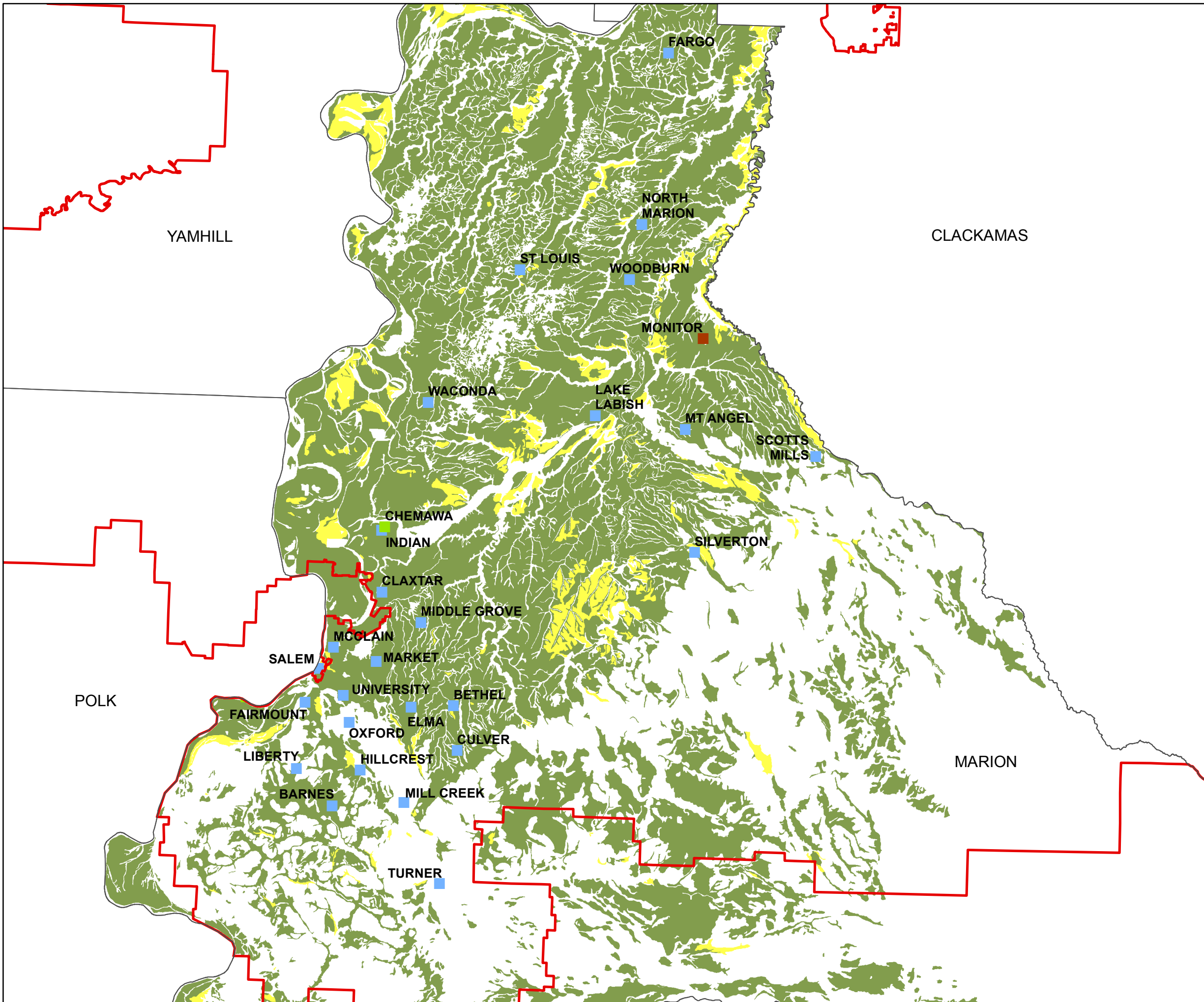


10/24/2018

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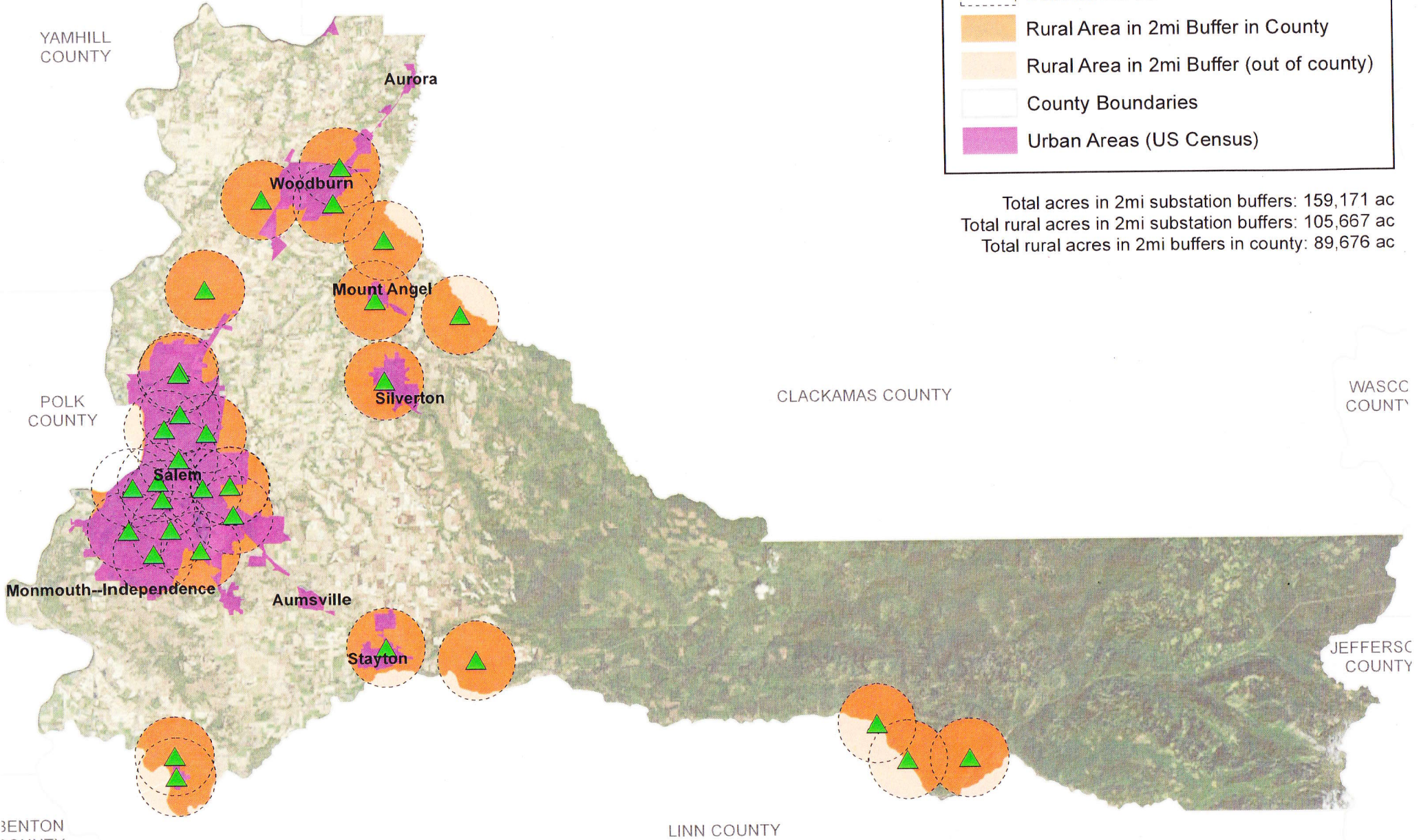


# Marion County Substations - Available Land

## Legend

-  Substations in County
-  Substations 2mi Buffer
-  Rural Area in 2mi Buffer in County
-  Rural Area in 2mi Buffer (out of county)
-  County Boundaries
-  Urban Areas (US Census)

Total acres in 2mi substation buffers: 159,171 ac  
 Total rural acres in 2mi substation buffers: 105,667 ac  
 Total rural acres in 2mi buffers in county: 89,676 ac



BENTON COUNTY

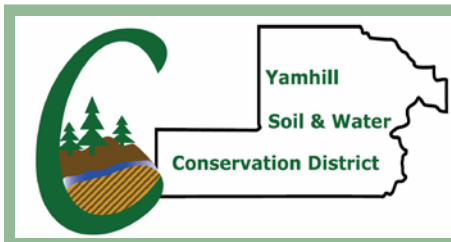
LINN COUNTY

CLACKAMAS COUNTY

WASCO COUNTY

JEFFERSON COUNTY





## Providing Natural Resource Leadership

December 10, 2018

Solar Rulemaking Advisory Committee  
Jerry Lidz, Chair  
Department of Land Conservation & Development Commission  
635 Capitol Street NE  
Salem OR 97301

Dear Chair Lidz and Committee Members,

The Yamhill Soil and Water Conservation District (district) is very concerned about the conversion of agricultural lands to commercial photovoltaic solar power generation facilities in the Willamette Valley and other parts of Oregon. Oregon communities rely on available high value soils for agricultural production and sustainability of local agricultural economies. The district is following the process being conducted by the Solar Rules Advisory Committee, and recently reviewed the Solar Rule Amendment Discussion Draft dated December 5, 2018, which was posted on the DLDC's website. Our district conducted a review the document and offers the following comments to the DLDC staff and Commission to consider.

The draft rules do little to protect our highest valued agricultural lands and do nothing to halt the ongoing conversion agricultural lands by allowing conversion to occur 12 acres at a time. In fact, the proposed rules create an avenue for converting even more lands to non-farm use through a proposed "dual-use development", providing a new avenue for solar companies and applicants to potentially convert larger parcels under the proposed rule. While there may be some reports and opinions that dual use is "possible", it certainly isn't a proven, adopted technique that LCDC should consider adequate to justify a rule change that provides for even more conversion of additional agricultural lands. One doesn't have to look far to find information that points to other alternatives for solar sites. The concept of using abandoned mill sites, brownfield industrial locations, rooftops, parking and infrastructure areas, and sites already converted from agricultural use have be presented as alternatives in public testimony many times.

It's clear that the motivation to continue converting productive agricultural lands is driven by a powerful motivation – it's cheaper. The RAC should consider and discuss all alternatives and promote good public policy that meets goals for renewable energy without sacrificing the public benefit and need for high value soils and agricultural land production. The proposed rules do little to protect high value soils and will allow continued, inexpensive conversion of agricultural lands. To address this concern, the district request LCDC craft rules that prohibit commercial solar arrays on all high-value land as defined in ORS 195.300. 2

The district offers some additional, specific recommendations as follows:

Page 2, lines 22-25. The draft adds language relating to soil erosion will be avoided or remedied "through techniques that will enhance soil-building by restring native vegetation that increases organic matter and nitrogen contact and assist in carbon sequestration and improve future arability". The rules state, "The approved plan shall be attached to the decision as condition of approval."



The district questions what the proposed addition to the rules addresses. If the goal is to ensure protection of soil health, enhance soil building, increase organic matter, and sequester carbon, then keeping lands in are to keep lands in agricultural production is the best approach. On a recent conversion of a site in Yamhill County, the district observed the removal and burning of mature vegetation, including oak trees that were likely several decades old. The site preparation included dozer work that pushed up piles of mud, trees and burn piles. We don't believe the current rules, nor the proposed additions to this section do anything to address soil health, organic matter and sequestration of carbon, or the damage being done when sites are converted.

Page 3, lines 15-16. The district recommended removing "and obtained building permit," from this section. Including this language creates a loophole for another applicant to pursue a facility if an applicant with a project in process hasn't obtained permits. To make this section clear, the rules should simply state that no additional photovoltaic solar power generation facility may be placed within a mile of another proposed or existing facility. To address the concern of cumulative impacts of all non-farm uses, LCDC should consider strengthening this section by restricting additional photovoltaic solar power generation facilities within a mile of other non-farm uses.

Page 6, lines 34-37: To make this section meaning and to allow the Oregon Department of Fish and Wildlife (ODFW) to provide input on the evaluation of proposed sites, the last sentence of this section should be deleted. This will allow for a more meaningful discussion with ODFW and local jurisdictions.

The proposed rule revisions seem to allow for increased non-farm conversion. The district encourages LCDC to adopt rules that provide meaningful protection of high value soils and limit the continued eroding of the agricultural land base in our state. We also encourage the RAC to discuss and seek alternatives and approaches. Perhaps this could include efforts to pursue state-supported incentives to steer development of solar developments to more site-appropriate areas.

Thank you for considering the district's comments.

Sincerely,

A handwritten signature in blue ink, appearing to read "L. Ojua", is written over a light blue horizontal line.

Larry Ojua,  
Executive Director