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MEMORANDUM

TO: Marion County Planning Commission
FROM: Marion County Planning Division/Fennimore
SUBJECT: Photovoltaic Solar Arrays in Farm Zones
DATE: January 8, 2018

ISSUE:

On December 27, 2017, the Marion County Board of Commissioners adopted a resolution initiating amendments to the Marion County Rural Zone Code to adopt standards to regulate the establishment of photovoltaic solar arrays (commonly referred to as “solar farms”) on high-value farmland soils in the Marion County farm zones.

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 October 18, 2017, Marion County has approved 16 sites covering a total of 193 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 values soils of a parcel unless that placement will disrupt the existing farm operation.

A number of individuals and organizations have contacted the county with concerns about allowing these types of 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 Marion County by further reducing the limited supply of highly productive farm land.

The Board of Commissioners asked staff to provide options for the Board to consider that would limit the displacement of farm activities by the placement of commercial solar power generating facilities in farm zones. The options presented to the Board included:

1. No longer permit the use.
2. Limit the facilities to parcels that are predominantly non-high value farmland soils.
3. Limit the facilities to parcels that are predominantly non Class I and Class II soils.
4. Limit the facilities to SA zoned properties.
5. Limit the size to less than 12 acres or a certain percent of the parcel size.
6. Limit density by requiring setbacks from other approved sites.
7. Limit the facility to an area on the property that has not been historically cultivated or farmed.

After discussing options with the Board, they indicated they did not necessarily want a blanket prohibition, however, they do not want these facilities to be placed on high-value farmland soils unless it could be demonstrated that a proposed location is not farmable or nearly so.

Staff is looking to the Planning Commission for suggestions on how the location of facilities could be limited such as use of aerial photos indicating current and/or historic farm use, physical limitations (size, slope, ect.).