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July 7, 2017

Via Email: [mfritzie@clackamas.us](mailto:mfritzie@clackamas.us)

Martha Fritzie, Senior Planner  
Clackamas County Dept. of Transportation and Development  
150 Beavercreek Road  
Oregon City, OR 97045

RE: Pacific Northwest Solar LLC – File No Z0115-17-CP, Z0116-17-C

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Dear Ms. Fritzie:

Thank you for the opportunity to comment on the proposed Goal 3 exception to develop a 10MW solar facility on 70 acres zone EFU in Clackamas County. 1000 Friends of Oregon is a nonprofit, membership organization that works with Oregonians to support livable urban and rural communities; protect family farms, forests and natural areas; and provide transportation and housing choice. Please include these comments in the official record for this matter and please continue to include 1000 Friends of Oregon on notices relating to this application.

**General Comments:**

In recent years, Oregon has seen an overall uptick in land use applications for large-scale solar facilities on farmland. 1000 Friends of Oregon supports production of energy from non-fossil fuel sources, including wind and solar facilities. However, all energy facilities, including those for renewable energy sources, have distinct siting challenges that need to be balanced with other needs and values, including conservation of working farm and forest lands, natural resources, and wildlife habitat. Large-scale solar facilities can extend over large swaths of land, blocking or restricting sun and water, impacting the vegetation and soil beneath, restricting wildlife migration and fragmenting habitat.<sup>1</sup> The increase in large-scale solar arrays on farmland can also have economic impacts on surrounding farm economies, as they can fragment available and contiguous farm and ranchland and impact land values.

As a general land use policy, solar development should be sited at or near the point of use or within the built environment, such as on existing industrial sites and otherwise unusable space. The EPA and the American Planning Association encourage development of solar on targeted sites including

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<sup>1</sup> For an overview, see Union of Concerned Scientists, Environmental Impacts of Solar Power, [http://www.ucsusa.org/clean\\_energy/our-energy-choices/renewable-energy/environmental-impacts-solar-power.html#.VxMfCTArK70](http://www.ucsusa.org/clean_energy/our-energy-choices/renewable-energy/environmental-impacts-solar-power.html#.VxMfCTArK70). See also, The Guardian, Solar is Booming but Solar Parks Could Have Unintended Climate Consequences, <http://www.theguardian.com/sustainable-business/solar-power-parks-impact-environment-soil-plants-climate>.

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brownfields, Superfund sites, RCRA sites, mining sites, landfills, abandoned parcels, parking lots and commercial/industrial rooftops, instead of on farmland and greenspace.<sup>2</sup>

This application is an example of a proposal that does not address these concerns, but rather proposes to site large-scale solar on one of Oregon's nonrenewable, limited resources: high-value farmland.

### Specific Comments

- 1) We disagree that Goal 13 creates a demonstrated need for the proposed use. As mentioned by DLCD in their letter, nothing in Goal 13 requires land use approval of energy development, renewable or otherwise. Further nothing in Goal 13 indicates that energy development should be given priority over productive farm uses on high-value farmland zoned EFU. The applicant attempts to argue that Goal 13 creates a parallel requirement of renewable energy development across Oregon. Although this is an admirable and lofty policy goal, it is not on Oregon's books currently.
- 2) Although we understand that there are many factors that go into siting a solar facility, applicant has not demonstrated that the facility itself has special features or qualities that necessitate its location on this particular parcel of high-value farmland.
- 3) The property is surrounded by resource-zoned lands including some that are in agricultural production. The applicant has not demonstrated how the proposed use will not interfere with or cause a significant change to the existing agricultural operations on surrounding properties and how it is compatible with existing uses.
- 4) An exception must be "exceptional." *1000 Friends of Oregon v. LCDC*, 69 Or App 717, 731, 17 688 P2d 103 (1984). The applicant here has simply not established why this facility *must* be sited on this particular high-value farmland.
- 5) The County should consider two issues with respect to long-term impacts. First, if there will be no impacts to the soils, why not require applicant to co-locate farm uses on the property? Such co-location has been demonstrated elsewhere and, as we understand it, is already occurring in Oregon. Second, in order to assure that the impacts from the facility are not permanent and that full agricultural capability is restored to the site, bonding should be required. A bond at least equal to 125% of the estimated decommissioning costs as estimated by an Oregon licensed engineer should be required prior to issuance of any building permits. "Decommissioning" should include the complete removal of all solar panels and related equipment, the abatement of any and all hazardous conditions, and the restoration of the site to its original agricultural capability following permanent cessation of the construction or operation of the facility.
- 6) We also note the letters submitted to the County by Tim Murphy, Farm and Forest Specialist for DLCD. We echo the concerns raised by Mr. Murphy, both specifically and generally, and note Mr. Murphy's recommendation that the project be moved to an alternative site or reduced in size to conform to the existing regulatory limitations for solar development on high-value farmland. Mr. Murphy identified several specific alternative sites that could be considered for this solar development. In particular, Mr. Murphy identified several parcels that, if combined, could amount to the acreage necessary to achieve 10MW together. If one or more alternative sites could reasonably accommodate the proposed use, then the county cannot reject those alternative sites on the basis that they cannot provide the total number of acres on one lot. See *Columbia Riverkeeper v. Columbia County*, LUBA 2014-017/018 (2014).

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<sup>2</sup> See EPA Decision Tree for Siting Solar, [http://www.epa.gov/renewableenergyland/docs/solar\\_decision\\_tree.pdf](http://www.epa.gov/renewableenergyland/docs/solar_decision_tree.pdf); and *Researching Land For Solar Energy Development*, American Planning Association, [www.planning.org/research/solar](http://www.planning.org/research/solar).

In conclusion, the applicant has not fully satisfied the criteria necessary for the proposed plan amendment, zone change and reasons exception. Rezoning agricultural land that has the potential to be productive is a rigorous process and applicant has not sufficiently demonstrated that this property is the only possible site for this use and thus justifies an exception to state land use goals.

Thank you for your consideration.

Meriel L. Darzen  
Circuit Rider Staff Attorney  
1000 Friends of Oregon