

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 September 13, 2018, at 10:00 a.m. in Room 32 of the courthouse, Commissioners Mary Starrett, Richard L. “Rick” Olson and Stan Primozych being present.

Also present were Laura Tschabold, County Administrator; Ken Huffer, Deputy County Administrator; Brian Van Bergen, County Clerk; Christian Boenisch, County Counsel; Todd Sadlo, Senior Assistant County Counsel; Mikalie Frei, County Counsel staff; 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 10:00 a.m.

*Welcome! Thank you for attending today's meeting. Public participation is encouraged. If you wish to address the Commissioners on any item not on the agenda you may do so as part of the public comment period at the beginning of the meeting. If you desire to speak on any agenda item please raise your hand to be recognized after the Chair announces the agenda item. Please fill out a public comment card to indicate your intent to speak.*

**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.

**B. CONSENT AGENDA:** Commissioner Primozych moved approval of the consent agenda. The motion passed, Commissioners Starrett, Olson and Primozych voting aye.

Minutes

1. a. **B.O. 18-327** - July 12, 2018, Formal Session.

Contracts/Grants

2. **B.O. 18-328** - Approval to declare tax lots #R4317CD2302, #R4317CD2303, #R4317CE2304, #R4317CD2305, #R4317CD2306, #R4317CD2307, #R4317CD2308, #R4317CD2309, #R4317CD2310, #R4317CD2311, #R4317CD2312, #R4317CD2313, also known as Lots 1 through 12 of Dayton Village, in the City of Dayton, Yamhill County, Oregon, and all improvements thereon (the “Property”), to be surplus property and authorizing the closing and sale of the Property to the City of Dayton, a municipal corporation of the State of Oregon, in the amount of \$30,989, plus closing costs and fees.

Authority

3. **B.O. 18-329** - Approval of position authority to delete 1.0 FTE Manager II and add 1.0 FTE Manager III from the HHS Public Health Division management roster.

License/Permit

4. **B.O. 18-330** - Approval of the purchase of eight additional VMWare licenses with technical support in the amount of \$32,600 from CDW.

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C. **OLD BUSINESS:** None

D. **OTHER BUSINESS** (Add-ons and non-consent items): None.

**E. PUBLIC HEARINGS:**

1. **B.O. 18-331** - Receipt of public comment on approval of the issuance of revenue refinancing bonds by the National Finance Authority for the benefit of Waste Management, Inc., provided Yamhill County shall not act as the issuer of the bonds nor shall have any legal liability with respect to the bonds.

Commissioner Olson moved approval of item E1. The motion passed, Commissioners Starrett, Olson and Primozich voting aye.

**Opening of Hearing:**

Commissioner Starrett called the public hearing to order at 10:01 a.m.

Ben Barker, National Finance Authority (NFA) gave comment regarding the 2007 issuance of revenue refinancing bonds stating that this TEFRA hearing is part of a larger multi-jurisdiction national issuance. Mr. Barker noted that the bonds are being refunded and the NFA will be issuing a new set of bonds with new maturity dates.

**Close of hearing and deliberation:**

Commissioner Starrett closed the public hearing at 10:03 a.m.

2. Docket C-08-18/SDR-12-18: An appeal of the Planning Director's approval of a conditional use and site design review for a commercial solar power generation facility consisting of approximately 8 acres. Applicant: Blackforest Solar, LLC; Appellant: Jeff Stiling.

**Opening of Hearing:**

Commissioner Starrett called the public hearing to order at 10:03 a.m.

There were no abstentions or objections to jurisdiction. Commissioner Olson acknowledged that he personally knows the original applicants and one of the property owners but stated it would not affect his ability to make a decision in the matter. Commissioner Primozich also made a similar statement of acknowledgement but also stated that it would not

render his decision in the matter. Mr. Sadlo read the statement required by ORS 197.763(5) before a quasi-judicial land use hearing.

**Staff Report:**

Stephanie Armstrong provided a report describing the property's current commercial agricultural uses and the applicants proposed use as a site for a solar power generation facility.

**Proponents:**

Connor Grogan, legal representative for Sulus, gave comment and provided a PowerPoint presentation regarding the proposed solar project. Mr. Grogan described its proposed location and stated the solar facility would have little visual and land impact and would not fragment the land or impact the surrounding farmlands beyond the proposed 8 acre parcel. He discussed the soil erosion/compaction study and weed control study, in addition to other impact studies. He addressed some of the concerns that the opponents have raised. Mr. Grogan noted that the site is appropriate for the solar facility, stating that the site met all of the application conditions and requirements. He noted the grid infrastructure isn't in place in larger areas such as east of the Cascades and would be cost prohibitive in comparison to the smaller land locations that are higher grade soils in the Willamette Valley.

Les Stephens, property owner of Shadow Hill Farms, LLC., stated the farm has been in the family since 1865. The investment of the solar facility is to compensate for the forecasted loss of income in fruit harvesting on the proposed site. He noted that his attempts to find a winery to lease his land over the last five years were unsuccessful prior to considering the solar facility. He notes the land faces dense forest and is not visible from the highway. Subsequent to contract negotiations for the solar project, a section of ground a half mile away was cleared for a home which now creates risk for soil erosion. Mr. Stephens stated that he was informed that a solar project would impede on the neighbors view. He noted that he and his family did due diligence to research solar companies for this project and to date has not seen any building permit notices to indicate construction on the neighboring land. Mr. Stephens cited benefits to a solar facility and stated that it was never his intention to cause problems with his surrounding neighbors.

Hayley Siltanen, representative for Sulus Solar, stated she would be available for rebuttal.

**Opponents:**

Jeff Stiling, owner of the property south of the Stephens farm, the proposed site. He gave a presentation and commented regarding his appeal and the impact on his future plan to build a winery. Mr. Stiling provided a site overview of his intended property development of a home and vineyard site. He stated that it is unclear if he will build a winery but wants to develop the land to potentially sustain one. He outlined the risks of placing a solar facility on high value soil. Mr. Stiling stated his concerns that a solar facility would create negative economic impact on surrounding property values and questions the rehabilitation of high value soil. He noted alternative sites for solar facilities that would provide less visual, financial and farmland impacts.

Commissioner Starrett called for a recess at 11:14 a.m.  
The public hearing reconvened at 11:19 a.m.

Emilie Molloy, land owner across from an existing solar array commented in opposition.

Rob Kistler commented on glare and erosion. He spoke about glare from a solar array angled approximately 2 miles away from his home. He is concerned about the accuracy of the erosion study provided by the applicant based on his own historical experience with vegetation clearing and stabilizing sloped land.

Carl Muska is the owner and manager of two vineyards that overlook the proposed solar site. He noted he has solar panels on his barn but not on high value vineyard lands. He concurs with opposition of the solar array.

Sid Freeman representing Friends of Yamhill County, commented on concerns about the placement of arrays on high valued soils. Mr. Freeman noted the GIS survey submitted by the applicant did not note any attempt to alternative sites other than farmlands with high valued soils. He noted the applicant seemed to identify that PGE renewable energy standards should justify placing the array on high value soil but should not dictate the direction of the county.

Ximena Arrego spoke in opposition regarding the placement of solar arrays on land with high value soils. She stated there is no evidence that the soils can be reverted to farmable land after the end cycle of the solar facility or that it brings any economic benefit to a community.

**Public Agency Reports:** None.

**Rebuttal:**

Hayley Siltanen gave rebuttal regarding the opponent's view of putting solar facilities in EFU zones. She noted Mr. Stephens' application was submitted prior to the moratorium of conditional land use. Ms. Siltanen stated the visual impact would not have an effect on Mr. Stiling's ability to grow grapes regardless, of the visual impact from a wine tasting room. She noted the opposition for energy efficient structures regardless of location, not just in wine country. Ms. Siltanen noted that a condition of security is built into the Sulus contract to ensure decommissioning the facility in the event of bankruptcy. She noted this project is 2/3 the size of others previously proposed in Yamhill County and makes it unique from any other project.

Connor Grogan commented that there are still a number of criteria to adhere to prior to starting the project. He noted the issue of glare and that the purchase of anti-glare screening has been contracted. The storm water report which addresses soil runoff, must be approved by DEQ. Mr. Grogan also addressed farmland restoration. He noted aluminum posts and concrete are used in the solar structures; aluminum is noncorrosive and concrete will break down. The panels are dipped in zinc but noncorrosive.

Les Stephens stated his cherry trees are mechanically harvested. The land is constantly compacted with machines. The visual impact will eventually be changed due to the rapidly growing timber.

**Staff Recommendations:**

Stephanie Armstrong stated the application meets applicable criteria and recommended approval of the application.

Commissioner Starrett closed the public hearing and called for a recess at 12:35 p.m. The meeting reconvened at 12:40 p.m.

**Deliberation:**

Commissioner Primozych noted the inconsistencies of the solar companies and the lack of contractual follow through. Commissioner Olson noted similar issues in other counties regarding the high value farm use of the soils and the stewardship of farmland. Commissioner Starrett noted the Board is not bound by past policy that were based on individual applications and stated that private property rights are a vital resource which enables Mr. Stephens to generate income.

Commissioner Primozych made a motion to deny the application and to uphold the appeal. Commissioner Starrett stated she would vote to deny the appeal.

The motion passed 2-1, Commissioners Olson and Primozych voting aye, Commissioner Starrett voting nay. Final written decision and findings to be adopted on October 4, 2018 at 10:00 a.m. in room 32 of the courthouse.

**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](http://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](mailto:bocinfo@co.yamhill.or.us)

Following Commissioner announcements, the meeting adjourned at 12:50 p.m.

Carolina Rook  
Secretary

YAMHILL COUNTY BOARD OF COMMISSIONERS

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Chair MARY STARRETT

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Commissioner RICHARD L. "RICK" OLSON

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Commissioner STAN PRIMOICH