

**YAMHILL COUNTY PLANNING COMMISSION**

Thursday, September 2, 2010 - 7:00 p.m.

Yamhill County Courthouse, Room 32

535 NE 5<sup>th</sup> St.

McMinnville, Oregon 97128

**Roll Call:** David Polite, Matt Dunckel, Alan Halstead, Michael Sherwood, John Abrams, Marjorie Ehry **Absent:** Daryl Garrettson, Bob White **Staff:** Ken Friday

The minutes from the Planning Commission Hearing of August 5, 2010 were unanimously approved.

Vice Chair Polite opened the public hearing.

**QUASI-JUDICIAL PUBLIC HEARING:**

- DOCKET NO.:** C-13-10/SDR-08-10

**REQUEST:** Conditional use and site design review for a solar facility consisting of approximately 11.9 acres. The facility would include: photovoltaic panels mounted on racks, electrical collection system, inverters, transformer, utility interconnection, fencing, site access, gravel road and parking lot.

**APPLICANT:** Troy Gagliano, enXco, Inc.

**OWNER:** Steven Goffena

**TAX LOT:** 5430-500

**LOCATION:** Approximately 180 feet east of the intersection of Briedwell Road and Bellevue Highway on the south side of Bellevue Highway.

**ZONE:** EF-80, Exclusive Farm use

**REVIEW CRITERIA:** Sections 402.04(M), 402.07(A and D), 1101.02 and 1202.02 of the *Yamhill County Zoning Ordinance*. Comprehensive Plan policies may also be applicable.

**Abstentions, Objections of Jurisdiction, Ex Parte Contact:** None.

Ken Friday read the "raise it, or waive it" statement required by ORS 197.763.

**Staff Report:** Ken Friday gave the staff report.

**Proponent's case:** Troy Gagliano, enXco, Inc, 517 SW 4<sup>th</sup> St. Suite 300, Portland, OR 97214: Provided background information about enXco, Inc. and the proposed application. Provided reasons why the proposed site was suitable for the use.

Ian Knoll, enXco, Inc., 517 SW 4<sup>th</sup> St. Suite 300, Portland, OR 97214: The solar construction manager.

Corinne Atkinson, HDR, Inc., 1001 SW 5<sup>th</sup> Ave., Suite 1800, Portland, OR 97204

Elaine Albrich, Stoel Rives, 900 SW 5<sup>th</sup> Ave, Portland 97205, Attorney for the applicant. Stated she is available to answer questions and addressed the questions that were brought up in the staff report. Ms. Albrich addressed the question regarding whether the project will be within the 12 acre maximum requirement. She stated the project will be within the 12 acre maximum and the 1.24 acres next to the road will continue to be farmed. Ms. Albrich addressed the question in the staff report whether the application meets the Comprehensive Plan goals and policies as well as addressing the need for visual screening. She referred the Commission to the visual simulations provided and doesn't think the landscaping would be appropriate because it would interfere with the farming along the 1.24 acre strip. Ms. Albrich suggested using a slated fence instead for the visual screening.

David Polite asked staff what the time frame is for the project and if it will be returned to farm land. Ken said the proposed construction would allow the property to be returned to farm use in the future.

The Commission and the applicants discussed the height of the panels and what type of visual screening should be required.

Steven Goffena, 16005 SW Intervale Rd, Lake Oswego, OR 97035: Property owner of the proposed site. Explained his reasoning for wanting the proposed solar panel and stated he wants to continue farming the 75 foot strip.

**Opponent's case:** Ryan Jones, written comments only. Vice Chair Polite read the written comments.

Steven Jones, 14870 SW Bellevue Hwy, Amity, OR: Provided testimony in opposition to the proposed application.

**Public agency report:** Ken Friday gave the public agency reports.

**Rebuttal:** Ms. Albrich provided some clarification based on testimony provided by the opponent. She noted the area where the facility will be located is on Class IV through VIII soils and not on Class I or II soils, the application is for a conditional use and not a zone change and there is a proposed condition of approval which requires the land to be returned to farm use once the facility is obsolete.

Mr. Gagliano proposed a revised condition which would read: if the panels are up to 10 ft a slated fence only would be required. If the panels are 10-20 ft a slated fence and landscaping that would cover the additional height would be required.

**Staff recommendation:** Ken recommended approval with the proposed conditions listed in the staff report with the revised condition #2. Condition #2 would require slated fencing along the project site bordering State Hwy 153 for panels on less than 10 feet in height. For panels of 10-20 feet in height, prior to issuance of building permits, the applicant shall submit a landscaping plan consistent with the requirements of Section 1010 of the YCZO for approval by the Planning Director that is designed in such a way that would still allow farming.

Ms. Albrich said she is concerned about referencing Section 1010. Ken said he would eliminate that reference. John Abrams said the landscaping should be required for any height to break up the monotony of the 750 feet of fence and a tree should be included for every 20 to 40 feet or so to break up the monotony. This should be included for panels of any height.

Mr. Polite asked if trees would affect the efficiency of the panels. Mr. Gagliano stated a tree would not affect the efficiency of the panels.

Ms. Albrich suggested a revised condition that would require a slated fence and landscaping along State Highway 153 of native shrubs and trees of varying height and spacing to be developed in consultation with the Planning Director. Vice Chair Polite closed the public hearing for deliberation.

### **Deliberation:**

John Abrams: Has no problem with someone trying for economic gain of their property. It is a conditional use. Would like to put a condition on the approval that they are removed when non-operable. Said he thinks the project is feasible.

Alan Halstead: Agrees with John. He sees the necessity for the proposed site and supports the application.

Michael Sherwood: Is in favor of alternative power sources. Said the Commission toured a winery with a large solar facility. Stated it's not pretty but it is working, so he is for it. No problem with the application

Dave Polite: Supports the application and said they appear they are economically feasible and you have to start

somewhere.

Matt Dunckel: Doesn't support the application. Thinks the farmers have backed themselves into a corner. Tons of subsidies are going into these alternative energy companies that are not American companies.

**MOTION:** Alan Halstead moved to approve the use with the conditions as revised. Condition #2 would state: The applicant shall install slatted fencing along the project boundary bordering State Highway 153 along with landscaping of varying height in consultation with the Planning Director. Michael Sherwood seconded. **Motion passed 4-1.**

2.      **DOCKET NO.:**                   C-14-10/SDR-09-10  
          **REQUEST:**                    Conditional use and site design review for a solar facility consisting of approximately 9.4 acres. The facility would include: photovoltaic panels mounted on racks, electrical collection system, inverters, transformer, utility interconnection, fencing, site access, gravel road and parking lot.  
  
          **APPLICANT:**                   Troy Gagliano, enXco, Inc.  
          **OWNER:**                     Don and Laura Christensen  
          **TAX LOT:**                    5535-100  
          **LOCATION:**                   At the intersection of Delashmutt Lane, Christensen Road and Bellevue Highway, on the south side of Bellevue Highway.  
  
          **ZONE:**                        EF-80, Exclusive Farm use  
          **REVIEW CRITERIA:**       Sections 402.04(M), 402.07(A and D), 1101.02 and 1202.02 of the *Yamhill County Zoning Ordinance*. Comprehensive Plan policies may also be applicable.

**Abstentions, Objections of Jurisdiction, Ex Parte Contact:** None.

Ken Friday read the "raise it, or waive it" statement required by ORS 197.763.

**Staff report:** Ken Friday gave the staff report. Noted condition #7 in the staff report has an error. It should read approval would be required from the Public Works Department and not from ODOT.

**Proponent's case:** Elaine Albrich suggested including the minutes from C-13-10/SDR-08-10 into the record for C-14-10/SDR-09-10. Troy Gagliano, enXco, Inc and Elaine Albrich provided background information about the proposed application and addressed the concerns in the staff report regarding balancing the goals and policies. Ms. Albrich recommended adopting the revised condition #2 from the previous application to this one. Which would read: the applicant would install slatted fencing along Christensen Road in addition the applicant would plant landscaping of varying height in consultation with the Planning Director.

The Commission and staff discussed the possibility of a "decommissioning fund" for the project. The consensus is it would be problematic.

Ken read revised condition #2 for an audience question.

Don Christensen, 17215 SW Christensen Road, McMinnville, OR 97128: Property owner of the proposed use. Provided testimony in favor of the application.

**Opponent's case:** Preston Henry, 19150 SW Christensen Road, McMinnville, 97128: Stated he is neighbors of the Christensen's and is not necessarily opposed to the application. He is concerned why the current site was chosen and why more noticed wasn't given to the neighbors. He stated he is concerned about the industrialization of farm land and considers it a stretch to consider solar panels farming. He would like to see the solar panels on top of existing buildings

and not on farm land. Stated he concerned there is no strong legal stipulation about the removal of the equipment and is worried about the possible precedence.

**Public agency report:** Ken Friday gave the public agency reports.

**Rebuttal:** Elaine Albrich noted the applicant did hold an open house for people within 750 feet of the subject site. There is a requirement in their contract with PGE, that PGE takes ownership of the sites if enXco goes bankrupt. Regarding the farm land concern, Ms. Albrich said it is listed as a conditional use in the zoning ordinance and there is a letter of support in the file from SWCD due to the fact that the facility can be removed without altering the farmland.

**Staff recommendation:** Ken recommended approval with the proposed conditions listed in the staff report with the revised condition #2.

Vice Chair Polite closed the public hearing for deliberation.

**Deliberation:**

Matt Dunckel: Doesn't think we are acting in the best economic interest for the citizens of the County.

Michael Sherwood: is in favor of the application.

Alan Halstead: concerned about the maintenance of the 30 foot strip of land, however, is in support of the application.

John Abrams: Also concerned about the maintenance of the 30 foot strip of land.

Dave Polite: Supports the application.

**MOTION:** Alan Halstead moved to approve the use with the conditions (#2 and #7) as revised. **Condition #2 the applicant shall install slatted fencing along Christensen Road along with landscaping in consultation with the Planning Director. Condition #7 The access for the proposed use shall be approved by the Yamhill County Public Works Department. Michael Sherwood seconded. Motion passed 4-1.**

**Other business:** None.

**Adjourn:** Planning Commission hearing adjourned at 9:39 PM.