

**HR D, Thursday, APRIL 6, 2017**

**Chair Clem, Members of the Committee**

**My name is Nick Giannettino, I'm a resident of Sheridan OR. I came to testify in support of HB 3050 and bring my perspective to this conversation as a rural Oregon resident, farmer and someone who has been personally impacted by industrial solar development on Oregon's agricultural lands. During my 38-year employment with the US Department of Agriculture, we lived in Oregon, Utah and other locations. I did everything from supervising a National Forest to serving on National Incident Management Teams – wildland fires, hurricanes, and other emergencies. We returned to Oregon in 2008 and after a short stint in inner NE Portland we eventually in 2010 found the perfect place – 5 acres on the S. Yamhill River just west of Sheridan, with river frontage, irrigation rights. Nothing fancy but a nice place in the country, surrounded by other farms 5 – 30 acres, with a couple larger Century Farms. And Exclusive Farm Use zoning all around. We had our space and a place to farm in retirement.**

**And a great view of the upper South Fork of the Yamhill River Valley. This comment is universal from all who visit our house.**

**A few years later a similar sized farm was purchased about ½ mile west of us.**

**Similar dreams from the purchaser, small acreage on which to fulfill their lifelong dream of a Katahdin Sheep farm.**

**Also, surrounded by EFU.**

**An additional quality rural residence for those seeking a peaceful Oregon country living.**

**Then last year they were notified that the neighboring landowner had submitted an application to the county for a 12-acre commercial solar power generating facility which was immediately east of their house.**

**They were notified because they were within the state guidelines for notification.**

**They were only notified because the state guidelines require that proponents only have to let those neighboring property owners know of proposed**

**development of solar power facilities when it is to be within 750 feet of their property line. The county of course did not increase this distance above the minimum requirement.**

**As far as I could tell in reviewing all the regulations related to this issue, the 750-foot notification provision is the ONLY consideration that we have to address the adverse effects of these facilities on rural Oregon residents. Just to notify them.**

**We do not require proponents to address the adverse effect on rural resident's quality of life; nor what the responsibilities are of the company to maintain or clean up the development should they choose to leave, nor to address the adverse effects on rural resident's property values, or any other effects on the rural residents near these installations.**

**The state must include some additional provisions in this process to require the proponent, and reviewing and deciding officials, to address these real and profound effects on Oregon's rural residents.**

**This notification distance is woefully inadequate and should be increased to a minimum of one mile.**

**I was not notified, although I will be forced to have this affect me, and the quality of my rural lifestyle, for the rest of my life.**

**This proposal like many is located on EFU, high value farmland.**

**We formed a neighborhood group, submitted comments in writing to the county planning staff, testified at hearings and listed rational reasons why this made no sense to locate on rural Oregon's high value farmland.**

**We wrote to the out of state development company who had their local project representative provide superficial responses.**

**Surely the planning staff and county commissioners would not allow this incursion to disrupt the lifelong plans of our sheep farming neighbors by allowing the installation of a commercial power facility 50 feet from their property line.**

We attended the decision meeting and to our disbelief, the proposal was approved by the county. We filed a local appeal and attended the appeal meeting and were equally or even more appalled when the original decision was upheld. The county's reply to the neighbors' concerns regarding visual impacts and possible long-term ramifications like maintenance and clean-up were to require a chain link fence and planting vegetation – a rather urban technique – the kind of thing that we moved to the country to get away from. They did however eventually require a bond for removal of the facility at the end of its life despite the argument from the proponent that it was unnecessary. The bond amount is not final but the proponent showed a positive value for facility removal at the end of the installations service life. This has not been resolved and there is no bond amount last time I checked with the county. The county did not address our request to evaluate cumulative effects on multiple resources including visual resources and viewsheds, the quality of life of rural residents, the effects on farmland and particularly high value farmland, and the cumulative effects from the loss of productivity from farmlands for the service life of these installations. The Yamhill County Soil and Water Conservation District provided written comments on this proposal; the Conservation District's rough calculations show that given the currently approved criteria for commercial solar power generating facilities located on agricultural lands that the county could lose up to 2.5% of agricultural lands in any given region. These losses can be increase further if secondary provisions in the existing criteria are followed, as these provisions allow additional power approvals if a proposed project "...does not materially alter the stability of the overall land use pattern of the area." The County Soil and Water Conservation District is concerned about the real and viable threat that commercial solar power generating facilities pose to high value soils and agricultural lands.

The proponent also presented a paper from a realtor in N. Carolina I believe, showing no change in property values due to the installation of these facilities. Do you believe this? I don't. Do you want one of these installations next to your house? I don't. I don't think anyone does. Two property owners who lease land to these developers did not locate them next to their personal residences, but long distances, out of sight of the installations.

**We could always appeal to the Land Use Board of Appeals. This course of action was pursued until the required professional legal representation proved to be prohibitively expensive.**

**Of course, the proponents know this. They can afford professional legal representation. They are not your average rural Oregon resident. They are financially well off. They do this for a living.**

**So now our neighbors are awaiting to be saddled with the construction of this facility, which they will have to look at each and every day, in scenic rural Oregon. Why is this allowed?**

**Most people don't normally associate Western Oregon with solar power generation. Studies have shown in fact that it is the worse area of the state for solar power generation, with SW, central and E OR being much better. So why do we have such an interest here?**

**Possibly this could be due in part to a favorable regulatory environment here. Revenue generation for solar power is much more favorable for counties compared to revenue from farming. My farm deferral taxes are a little over \$25/acre/year. The current regulations allow for paying many multiples of this in lieu of taxes per year. In addition, the permit fees are favorable. The latest proposal in Yamhill County had fees of over \$5,500. Good for the counties.**

**The landowner does well. They receive an average rental for not farming, not incurring expenses and labor, and basically making more money for doing no work.**

**The companies do well too. They pay an annual rental to the landowner but more importantly they provide an opportunity for wealthy investors to be guaranteed a steady stream of cash flow and to receive tax benefits to make them even wealthier, based upon the uninterrupted revenue stream it receives from the utility company for a long time period, in most instances a minimum of twenty years.**

**Many of the proponents are out of state companies, financed by large, wealthy out of state investment companies. Their claims are that they are selling clean,**

**renewable power - but if one digs deeper they are selling investments. Investments that allow reaping the benefits from these proposals while paying none of the adverse costs associated with these operations. They are miles, hundreds or thousands of miles removed from all the adverse effects.**

**In addition to this project immediately adjacent to neighbor's house one half mile west of our residence, there is an existing solar installation three miles SW of my house along Highway 18; one proposal for a 12 acre installation 1.4 miles SE of our house along Ballston Road South of Sheridan FCI; two separate installations less than nine miles East of our house along the Bellevue Road, and a proposed 45 acre installation less than one mile North of our house, centered in the Yamhill River Valley view shed that all the visitors to our house marvel about. This view and viewshed will be permanently destroyed if this proposal is approved. As far as I can tell, no proposal has ever been refused if submitted to the County for review. This is why we need YOUR help to fix this!**

**Oregon officials could not possibly have foreseen the explosive growth in this program and the scope of individual and cumulative effects associated with these installations when these regulations were first enacted. While many people understand the need to reduce fossil fuel consumption and associated greenhouse gas emissions, many of us are now aware of, and being forced to live with the costs of such installations in of all places, agricultural rural Oregon. It is reasonable and prudent that we pause now to re-evaluate these effects.**

**So how do we solve this? HB 3050 is a start.**

**What has the potential for the best system wide restoration in a watershed? Projects in the delta, main stem or headwaters? It is fixing the issues in the headwaters that gains us the best system wide improvement. So, let's look at State Agricultural policy to help us – the "headwaters" for agricultural land use in Oregon.**

**Established by the legislature in 1973 and Codified in ORS 215.243, there are four basic elements to this policy:**

**(1) Open land used for agricultural use is an efficient means of conserving natural resources that constitute an important physical, social, aesthetic and economic asset to all of the people of this state, whether living in rural, urban or metropolitan areas of the state.**

**(2) The preservation of a maximum amount of the limited supply of agricultural land is necessary to the conservation of the state's economic resources and the preservation of such land in large blocks is necessary in maintaining the agricultural economy of the state and for the assurance of adequate, healthful and nutritious food for the people of this state and nation.**

**(3) Expansion of urban development into rural areas is a matter of public concern because of the unnecessary increases in costs of community services, conflicts between farm and urban activities and the loss of open space and natural beauty around urban centers occurring as the result of such expansion.**

**(4) Exclusive farm use zoning as provided by law, substantially limits alternatives to the use of rural land and, with the importance of rural lands to the public, justifies incentives and privileges offered to encourage owners of rural lands to hold such lands in exclusive farm use zones. [1973 c.503 §1]**

**How can we, in good conscience, reconcile that we can allow the development of commercial solar power generating facilities in our Oregon farmlands when these developments are in such stark contradiction to the above listed policies?**

**My Proposal:**

**Action items**

- 1. The legislature work with the Department of Land Conservation and Development and any other state departments and agencies as necessary to issue a moratorium on the construction and installation of any approved but not yet constructed commercial solar power generating facilities on Oregon Farmland, and to prevent the approval of any new proposals for commercial solar power generating facilities on Oregon Farmland until the record can be opened for additional public comment and revision of the regulations related to this issue.**

We feel this is necessary since we were told by the county that since proposals met the existing criteria that they approved them. We, the residents of rural Oregon, need a mechanism whereby our concerns can be heard and acted upon.

2. Address any issues raised during the public comment period, address the issues raised in this hearing, and address the following listed issues related to this matter, especially as they conflict with State Agricultural Policy as listed above:
  - The individual and cumulative effects of Commercial Solar Power Generating facilities on Oregon farmland, specifically related to the individual and cumulative effects on the following: adjacent property values; effects on visual resources and viewsheds, effects on the quality of life of rural residents; the effects on farmland and particularly high value farmland; the effects on fragmentation of large blocks of farmland necessary in maintaining the agricultural economy of the state and for the assurance of adequate, healthful and nutritious food for the people of this state and nation, and the irreversible effects from the loss of productivity from farmlands for the service life of these installations.
  - Change the regulations to require all residents within one mile of future proposals be notified in writing when applications for these facilities are submitted.
  - Change the regulations so that no facility will be allowed within one half mile of an existing rural residence.

An additional issue that the state should address is the issue of environmental justice related to these proposals.

In researching the latest proposal, a quick review found one source that indicated that the proponent of the 45-acre solar array north of Sheridan has an estimated annual income of nearly \$225,000. According to the US Census, the median annual income for the residents of Sheridan for the period 2011-2015

**was just over \$37,000, with nearly 20% of the population at or below the poverty level. Poorer residents should not continue to carry the burden for wealthy people to become even wealthier at the cost and expense of the poorer members of our society.**

**We need to examine all components of environmental justice issues related to existing and proposed commercial solar power generating facilities on rural Oregon lands.**

**These lands are far too valuable, too limited and too scenic to continue to allow them to be subject to any additional conversion from existing agricultural lands to industrial solar power generation facilities.**

**Thank you for listening. Are there any questions?**