



STATE OF OREGON
LEGISLATIVE COUNSEL COMMITTEE

April 18, 2017

Representative Greg Smith
900 Court Street NE H482
Salem OR 97301

Re: Siting of solar power generation facility under HB 2023-4

Dear Representative Smith:

You asked whether the -4 amendments to House Bill 2023 (2017) would require adoption and application of a new approval process for siting a solar power generation facility on high-value farmland. We conclude that the answer to your question is no.

ORS 215.243 sets forth a statutory policy of substantially limiting alternatives to the use of rural land and incentivizing ownership of rural land for exclusive farm use. Statewide Planning Goal 3: Agricultural Lands¹ requires all agricultural lands to be designated and preserved by adopting exclusive farm use zones.² Some land zoned for exclusive farm use, as well as some land zoned for farm use and mixed farm and forest use, are further designated in statute as "high-value farmland" due to the location, soil classification or other characteristics of the land.³

Oregon law designates some alternative uses of agricultural lands as outright permitted uses, which are not subject to additional local criteria, while other alternative uses are designated as conditional uses, which may be subject to local criteria in addition to the requirements described in statute. Statewide Planning Goal 3 charges counties with planning and zoning of agricultural land within their jurisdictions, including incorporating permitted nonfarm uses into local zoning regulations.⁴ Further, the governing body of each county is statutorily required to adopt and implement procedures for the purpose of reviewing and approving or denying land use applications in accordance with statute, statewide land use planning goals, land use regulations and, if the application is for a conditional use permit, county ordinances.⁵

House Bill 2023-4 permits the siting of a solar power generation facility on high-value farmland "that is in an exclusive farm use zone and that is located within the Columbia Valley viticulture area," provided the land meets certain additional criteria.⁶ The amendments do not

¹ As a part of comprehensive land use reform undertaken in enacting Senate Bill 100 (1973), the Legislative Assembly directed the Land Conservation and Development Commission (LCDC) to adopt statewide planning goals and ensure that city and county comprehensive plans and ordinances comply with the statewide planning goals. Chapter 80, Oregon Laws 1973.

² OAR 660-015-0000 (3).

³ "High-value farmland" is defined in ORS 195.300 and 215.710.

⁴ OAR 660-015-0000 (3).

⁵ ORS 215.412.

⁶ HB 2023-4 (2).