



STAFF REPORT

TO: Chairman Bogle and Planning Board members
FROM: Planning Staff
RE: Solar Moratorium and Related Text Amendments
DATE: January 14, 2021

Commentary

Staff review of notes and video of the October 26, 2020 Planning Board work session on the proposed ZTA 02-19 text identified several Planning Board questions regarding proposed standards or the applicability of such. Revisions to the accompanying document have been based on those comments / questions along with a change in nomenclature for systems that may be more intuitive.

Aside from the proposed amendments listed below, a more in-depth discussion regarding the appropriateness or applicability of screening and buffering standards for Non-Residential and Utility Scale systems will need to occur. For reference, these areas for further consideration include Section 21-56(c)(2)iii found on page 65 in lines 11-12; Section 21-60(4)(b)(4) found on page 80 in lines 10-13; Section 21-64(a)(3) found on page 80 lines 34-37. Ideally, the appropriate level of standards for screening and buffering may be found in Section 21-215 on pages 121-122.

Likewise, the method or manner of requiring financial surety for decommissioning will need to occur, but Staff is still researching the topic and will present options at another work session in February 2021.

Proposed Amendments

As typical, *new text appears in bold italics*, recommended deletions are ~~striketrough-text~~ and commentary is included in the sidebar providing rationale or reference for a suggested change. Updates in the **Solar Moratorium DRAFT 1.2** include:

▪ Sec. 21-4. Definitions

- **Page 27.** Residential and Non-Residential have been established as a class of *Solar Energy System* to replace Small Scale or On-Site nomenclature in the DRAFT 1.1 Text.
 - Residential System is an accessory use to the residence on-site and is limited to a maximum size of 6,000 sq ft or 10% of the lot size.
 - Non-Residential System is associated with a business and is intended to provide or off-set power to use on site. There is no longer a limitation preventing these from being less than 6,000 sq ft in panel area.
- **Page 30.** *System Area* is a term and concept developed in the previous text amendment process that remains

▪ Sec. 21-34. Economic development districts established for I-85.

- **Pages 49, 51, 53 and 54.** The current allowance for a solar energy system having a panel area of 6,000 sq ft or less in each of the four 85-ED zoning districts is proposed to be removed and

replaced with an allowance for either *Non-Residential* or *Roof Mounted* Solar Energy System. In both cases, a structure must be on-site to have a solar energy system.

- **Sec. 21-56. Specific Requirements for uses listed as SR in Section 21-113 (Table of Uses).**
 - **Pages 64 and 65.** Subsection (6)c contains the current and proposed specific requirements for *Residential*, *Non-Residential* and *Roof Mounted* systems permitted in a zoning district provided the use is an SR and can comply with the specific standards. Refer to page 108 for district applicability.
 - **Page 64.** Subsection (6)c(1) has *Residential* systems assume the current requirements for panels less than 6,000 sq ft or ten percent (10%) of the lot size and are allowed as an SR in all zoning districts except the 85-ED zones. The setbacks for these systems have been increased per the accessory structure standards of Section 21-285, which are 30' front and 10' side and rear for panels less than 4000 square feet and 40' if the panels are 4001-6000 square feet.
 - **Page 65.** Subsection (6)c(2) contains the proposed requirements for *Non-Residential* systems. These provide or supplement power to an existing or proposed business and may be approved administratively in the RA, CBI, NB, INST and IND zoning districts provided the standards contained in lines 3-19 on page are met. The DRAFT 1.1 Text proposed these systems to be a CUP for RA district location.

- **Sec. 21-60. Conditional use requirements for specific uses.**
 - **Page 79.** Subsection 4(b)1. Eliminated lines 15-31 as this was a conditional use standard for Non-Residential (previously known as “on-site”) that is now proposed for administrative review as per the change noted on page 65 above.
Utility Scale standards
 - **Page 79.** Utility Scale systems do not meet the definition of the small scale, on-site, or roof mounted systems but are generally the type system designed exclusively to provide electricity to the power grid. As such, requirements for these systems are more comprehensive due to scale and impacts. As proposed, these systems could only be considered as a conditional use in the IND district and would no longer be a CUP option in the RA, RR, CBI and NB districts.
 - **Page 80.** Subsection 4(b)7(i). Required plans the applicant must provide include:
 - **Decommissioning Plan.** Based on comments from the last work session, text was added to allow an owner / operator an opportunity to request an extension of the 12 month inactivity period to prevent execution of the plan. Refer to line 46 on page 80 and lines 1-4 on page 81.

- **Section 21-64. Conditional district standards for specific uses.**
 - **Pages 99 thru 101.** This is a new section in the RCZO that includes specific standards for Utility Scale Solar Energy Systems; Dumps, Landfills and similar uses; Junkyards; and Zoos. In general, these uses are currently conditional uses (CUP) in the RA district, but are now been proposed as uses in a conditional district (CD) in the RA. This effectively transitions consideration of these uses from quasi-judicial to legislative, which by process would involve a courtesy hearing by the Planning Board.
 - **Page 100.** Subsection (a)5 requires a decommissioning plan to be provided if the system does not produce power for 12 continuous months. Based on comments from the last work session, text was added to allow an owner / operator an opportunity to request an extension of the 12 month inactivity period to prevent execution of the plan. Refer to line lines 4-7 on page 101.

- **Section 21-113. Table of Uses (excerpts).**

Page 108. Non-Residential systems are now proposed as an SR use in the RA district, which is a change from the DRAFT 1.1 Text that established as a CUP.