

LOCAL GOVERNMENT REGULATION OF LARGE SCALE SOLAR PROJECTS

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Matt Johnson, Director of Planning at Tug Hill Commission

WHAT IS THE TUG HILL COMMISSION?

The NYS Tug Hill Commission is a small, non-regulatory state agency charged with “helping local governments and citizens shape the future of the Tug Hill region.” The Tug Hill region includes 41 towns and 18 villages in portions of Jefferson, Lewis, Oneida and Oswego counties.

OPERATING PHILOSOPHY (excerpt)

The Tug Hill Commission:

- operates based on the assumption that local people with good information can make the best decisions about the future of their communities;
- does not interfere in local matters; it responds to local requests.

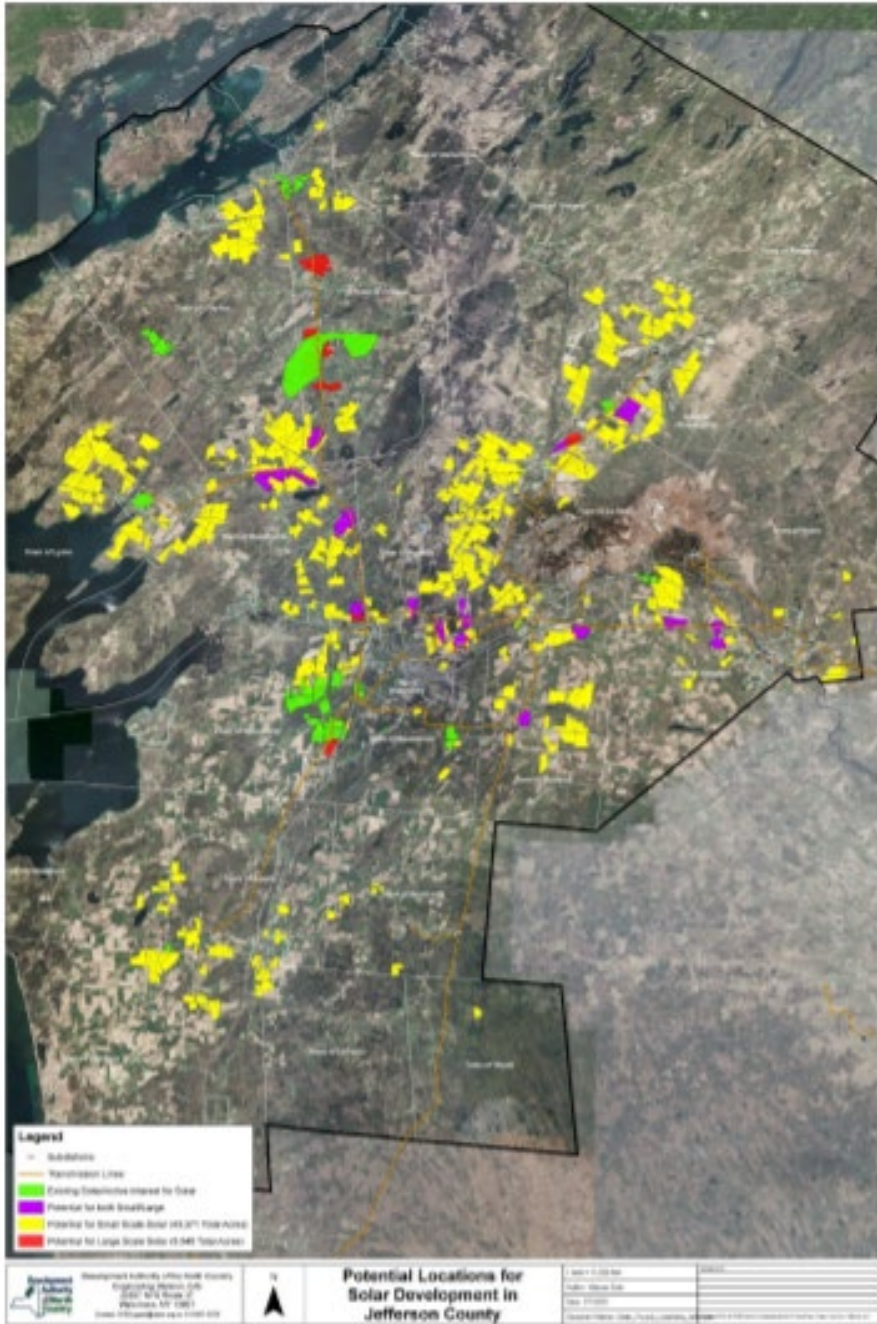


LARGE SCALE SOLAR PROJECTS

- **We are seeing many proposed and built in the North Country – most on farmland** (3-5 MW, 20 MW, 120+ MW)
- **We are getting a barrage of requests from our municipalities to help them begin to regulate**



photo: Lewis County Planning



WHERE ARE THEY LOCATING?

The following criteria were used to identify potential sites for **community-scale** solar projects:

- 10-acre parcels adjacent to other 10-acre parcels, and parcels that alone are over 50 acres
- Within 3 miles of a substation
- Less than 25% forested and less than 25% wetlands
- Out of floodplain area
- Property assessed as industrial, commercial, vacant, residential, or agriculture
- Less than 10% slope (if parcel contained less than 20% of an area covered by 10% slope, it was kept. If over 20% of area was at least a 10% slope, it was removed)

The following criteria were used to identify potential sites for **industrial scale** solar projects:

- 50-acre parcels adjacent to other 50-acre parcels, and parcels that alone are over 200 acres
- Within 1000 feet of a transmission line
- Less than 25% forested and less than 25% wetlands
- Out of floodplain area
- Property assessed as industrial, commercial, vacant, residential, or agriculture
- Less than 10% slope (if parcel contained less than 20% of an area covered by 10% slope, it was kept. If over 20% of area was at least a 10% slope, it was removed).

Mapping in partnership with Development
Authority of the North Country

WHAT CAN MUNICIPALITIES DO TO MITIGATE?

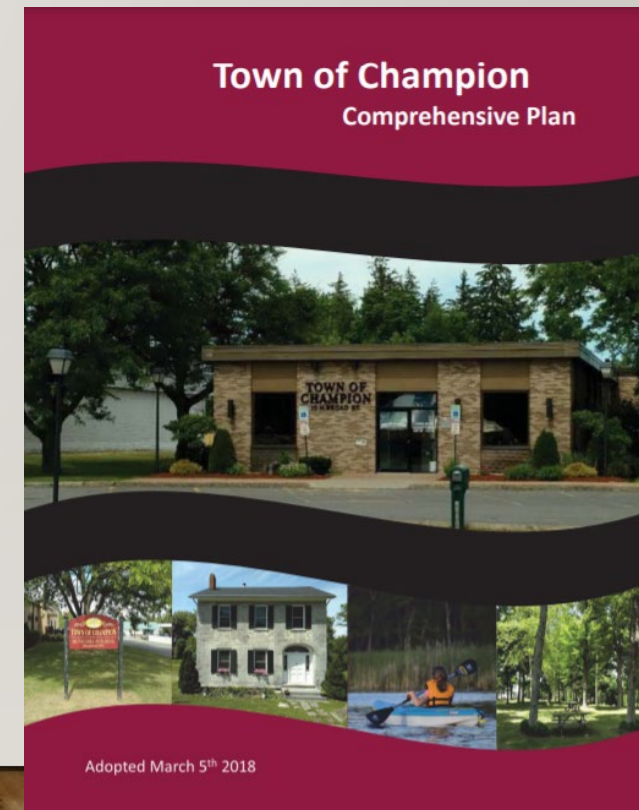
- **MORATORIA**
- **COMPREHENSIVE PLANS**
- **ZONING**
 - **Site plan review**
 - **Special use permit review**

MORATORIA

- **Adopted as local law**
- **Prohibits development of certain defined land use projects for a set period of time**
- **Six months is common**

COMPREHENSIVE PLANS

the materials, written and/or graphic, including but not limited to maps, charts, studies, resolutions, reports and other descriptive material that identify the **goals, objectives, principles, guidelines, policies, standards, devices and instruments** for the immediate and long-range protection, enhancement, growth and development of the municipality.



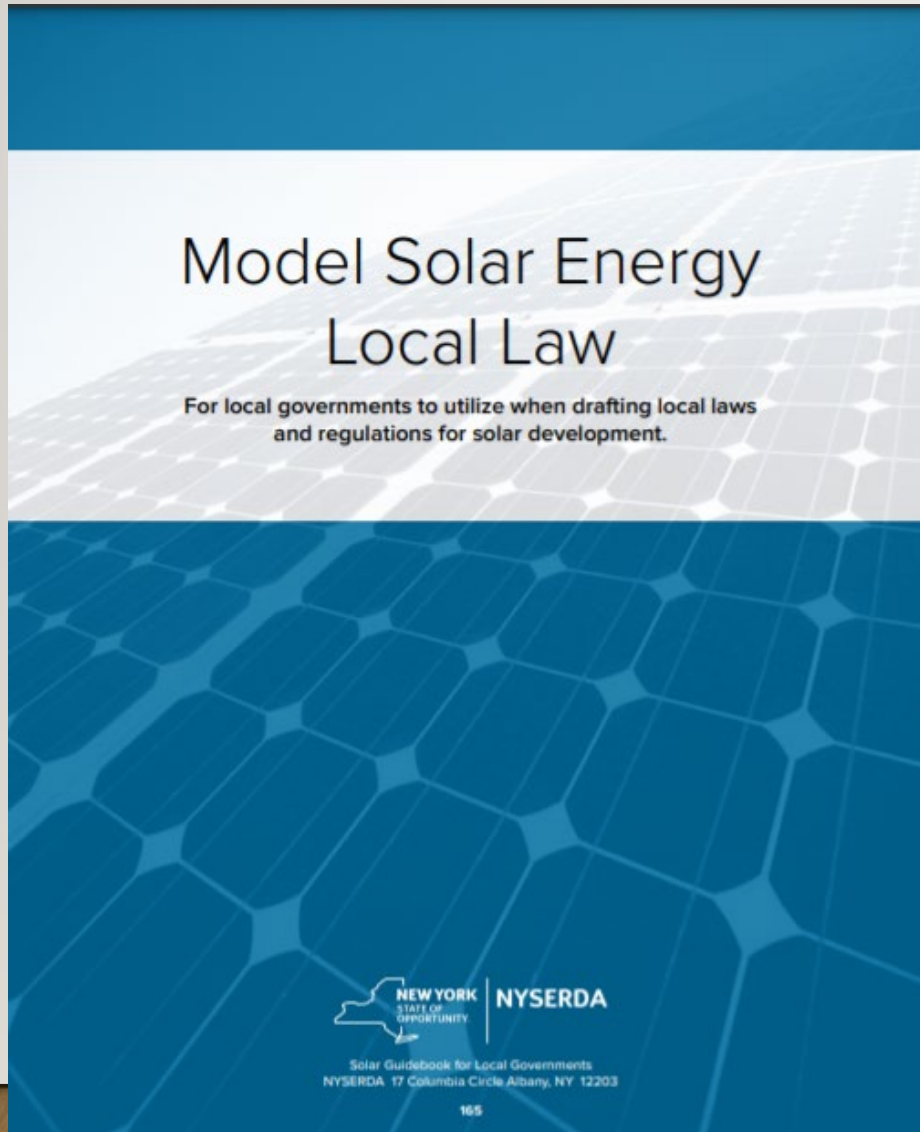
ZONING

- **Protect public health, safety, and welfare**
- **Regulate use, density, placement of structures on lots**

ZONING SHOULD...

- **be in accordance with comprehensive plan**
- **implement community vision and encourage orderly growth**
- **protect important resources**

MODEL ZONING LANGUAGE

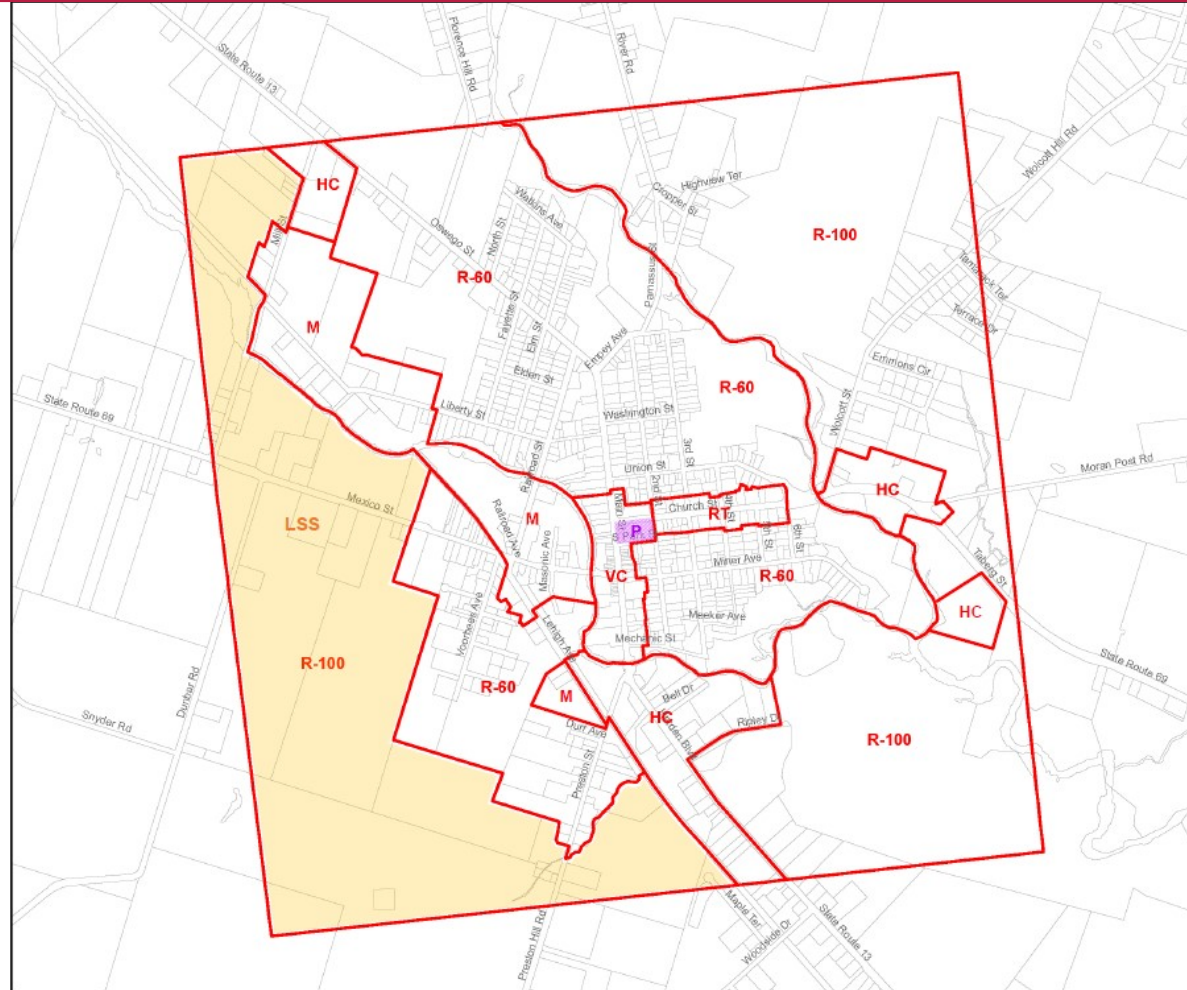


Many models available online

Help available from county planning departments, regional planning agencies, private consultants

We urge municipalities to ask for help incorporating!

WHERE CAN THEY GO? – districts and overlays



Village of Camden ZONING MAP



0 250 500 1,000
Feet

R-100 - Residential 100

R-60 - Residential 60

RT - Residential Transition

VC - Village Center

HC - Highway Commercial

M - Manufacturing

P - Park Overlay

LSS - Large Scale Solar Overlay

I CERTIFY THAT THIS IS THE OFFICIALLY ADOPTED
ZONING MAP OF THE VILLAGE OF CAMDEN

VILLAGE CLERK

DATE

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DENSITY STANDARDS

Minimum Lot Size:

Zoning District	Tier 3 Solar Energy Systems
Residential Low Density	≥ 2 acres
Residential High Density	—
Commercial / Business	≥ 5 acres
Light Industrial	N/A
Heavy Industrial	N/A
Agricultural / Residential	≥ 5 acres

Maximum Lot Coverage:

Same as underlying zoning district

Note: many communities use 40-60%

DIMENSIONAL STANDARDS

Maximum height of panels – 15/20 feet

Minimum setbacks:

Setback Type	Solar Facility Setback
Non-participating residential property lines	100 feet
Centerline of Public Roads	50 feet
Non-participating property lines (non-residential)	50 feet
Non-participating occupied residences	250 feet

SITING/DESIGN STANDARDS

- All on-site utility lines shall be placed underground to the extent feasible
- Vehicular paths shall minimize the extent of impervious materials and soil compaction
- All Solar Panels shall have anti-reflective coating(s)
- Lighting shall be limited to that minimally required for safety and operational purposes and shall be shielded and downcast
- Removal of existing trees larger than [6] inches in diameter should be minimized
- 7 foot high fence with locking gate
- A minimum of [1] evergreen tree, at least [6] feet high at time of planning, plus [2] supplemental shrubs all planted within each [10] linear feet of the Solar Energy System.

PROTECTIONS FOR AG RESOURCES

- Any Solar Energy System located on the areas that consist of Prime Farmland or Farmland of Statewide Importance **shall not exceed [50] % of the area** of Prime Farmland or Farmland of Statewide Importance on the parcel.
- Solar Energy Systems on Prime Farmland or Farmland of Statewide Importance shall be required to seed [20] % of the total surface area of all solar panels on the lot with **native perennial vegetation designed to attract pollinators**.
- To the maximum extent practicable, Solar Energy Systems located on Prime Farmland shall be constructed in accordance with the **construction requirements of the New York State Department of Agriculture and Markets**.



OTHER REQUIREMENTS

- **Visual assessment** required for projects larger than 10 acres.
- A **decommissioning plan** shall be submitted by the applicant, addressing the following: a. The cost of removing the Solar Energy System. b. The time required to decommission and remove the Solar Energy System any ancillary structures. c. The time required to repair any damage caused to the property by the installation and removal of the Solar Energy System.
- The deposit, executions, or filing with the municipality of **cash, bond, or other form of security** in an amount sufficient to provide for the removal and restorations of the site subsequent to removal. **The amount of the bond or security shall be [125] % of the cost of removal of the Solar Energy System and restoration of the property with an escalator of [2] % annually for the life of the Solar Energy System.** The decommissioning amount shall be reduced by the amount of the estimated salvage value of the Solar Energy System.



SITE PLAN REVIEW

Site plans shall show the arrangement, layout and design of the proposed use of the land on said plan. The required site plan elements which are included in the zoning ordinance or local law may include, where appropriate, those related to parking, means of access, screening, signs, landscaping, architectural features, location and dimensions of buildings, adjacent land uses and physical features meant to protect adjacent land uses.

Typically overseen by Planning Board



[illegible]

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SPECIAL USE PERMIT REVIEW

an authorization of a particular land use which is permitted in a zoning ordinance or local law, subject to requirements imposed by such zoning ordinance or local law to assure that the proposed use is in harmony with such zoning ordinance or local law and **will not adversely affect the neighborhood** if such requirements are met.

Typically overseen by Planning Board



SEQR – State Environmental Quality Review

SEQR applies to all state or local government agencies including districts and special boards and authorities whenever they must **approve or fund a privately or publicly sponsored action. It also applies whenever an agency directly undertakes an action.**

CAN LEAD TO REQUIREMENT OF AN ENVIRONMENTAL IMPACT STATEMENT



OTHER LEVELS OF REVIEW

County Planning Boards

NYS Ag & Markets

Office of Renewable Energy Siting



239-m REVIEW

If the application involves property within 500 feet of the following geographic triggers, it is subject to county referral:

- **A municipal boundary**
- **The boundary of a state or county park or recreation area**
- **The right-of-way of a state or county road**
- **The right-of-way of a county-owned stream or drainage channel**
- **A boundary of state or county land on which a public building is located**
- **A boundary of a farm operation that is located in a state agricultural district**

239-m REVIEW

The planning board has jurisdiction to take final action when the earlier of the following occurs: it receives the recommendations of the County Planning Agency, OR thirty days have passed since the county's receipt of the full statement. The time period may be extended if agreed to by both the county and local planning bodies.

PB can override with majority plus one vote.

AG & MARKETS REVIEW

Projects that will receive a subsidy from a New York State funding agency in an agricultural district trigger a consultation from the NYS Department of Agriculture and Markets.

94-C REVIEW

Projects 25 MW or larger will go through a new process overseen by the Office of Renewable Energy Siting.

Projects 20 – 25 MW can opt in...

O.R.E.S will take local standards into consideration in their review, but can opt not to apply them if deemed 'unreasonable burdensome.'



<https://tughill.org/publications/technical-issue-papers/>

ISSUE PAPER SERIES

Planning for Offsite Solar Energy Projects

February 2020




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IN COLLABORATION WITH:
Cornell Cooperative Extensions of Jefferson, Lewis, Oneida and Oswego Counties
Development Authority of the North Country
Jefferson, Lewis, Oneida, Oswego and St. Lawrence County Planning Departments
Jefferson, Lewis and Oneida County Industrial Development Agencies
Jefferson, Lewis and Oswego County Soil & Water Conservation Districts

The Tug Hill Commission Technical and Issue Paper Series are designed to help local officials and citizens in the Tug Hill region and other rural parts of New York State. The Technical Paper Series provides guidance on procedures based on questions frequently received by the Commission. The Issue Paper Series provides background on key issues facing the region without taking advocacy positions. Other papers in each series are available from the Tug Hill Commission. Please call us or visit our website for more information.



Includes:

- Discussion of issues
- Model zoning information
- Example of a solar lease
- Example of a decommissioning agreement

THANK YOU!!

matt@tughill.org

(315) 785-2380

www.tughill.org