

MEMORANDUM

TO: Ancram Town Board
FROM: Hugh Clark, Chair, Zoning Revisions Committee
SUBJECT: Proposed Local Law #1 of 2021
DATE: 17 February 2021

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The Zoning Revisions Committee (ZRC) was charged to bring all town land use regulations into consonance with the 2019 Comprehensive Plan.

One major task is to ensure that standards for solar energy systems coincide with Comp Plan intent.

Looking ahead to how Ancram will look, feel and function in 2030, the Comp Plan envisions that *“we use and support appropriately scaled renewable energy sources.”*

Accordingly, Goal 2 (Environment) includes: *“Encourage the use of small and community scale renewable energy sources.”*

Then, detailed strategies give specific guidance:

2.1.3.1. *Continue to allow solar...power for agricultural, residential, and small business use.*

2.1.3.2. *Consider policies for appropriately scaled solar...projects to generate electricity for the community.*

2.1.3.3. *Exclude large scale commercial...solar operations that export electricity outside the town as these are considered inconsistent with the rural character of the community.*

Current standards for solar systems in the Zoning Law are meager—less than a page. All deal only with roof-mounted panels and pole or remote mounted small-scale systems intended for residential use.

Enclosed is proposed Local Law #1 of 2021, which repeals supplemental regulations now in the Zoning Law labelled as “Solar Energy Panels” and replaces them with a section entitled “Solar Energy Systems.” These amendments implement the Comp Plan guidance about three escalating scales of solar systems and permit certain systems in a way that balances positive results against negative impacts on neighbors, the environment, and community character.

Before reaching conclusions about scale and standards for solar systems, the ZRC conducted a comprehensive analysis of solar energy generating systems in general, and their potential “fit” within Ancram. This analysis included a town-wide GIS study to understand and evaluate where the landscape would likely support solar systems. Factors included slopes <10%, oriented to the south, distance to 3-phase electrical lines, on 10-acre parcels. Also identified were the intersection of those sites with sensitive environmental features in town. Maps were developed locating 21 different environmental and resource features to create 12 overall analysis layers ranging from unique habitats to significant biodiversity areas, and riparian sites, forest patches, and prime farmland soils. This extensive analysis helped the ZRC to understand the capacity for large solar development in town which, in turn, aided deliberation about standards for solar energy generating systems and facilities.

The solar amendments correspond to Comp Plan direction by recognizing three distinct types of solar energy systems: small-scale, community-scale, and utility-scale generating systems. Designs for all three

types must meet standards for glare, adherence to engineering and safety protocols, accessibility for emergency services, and other features. LL #1 also contains proposed definitions for many solar terms. Solar systems with a valid building permit issued before LL #1 takes effect are grandfathered.

Small-scale systems (25 kw or less) are rooftop or flush-mounted, ground-mounted and freestanding, and also include solar systems that are integrated into the building itself.

Such systems provide on-site electricity for residential, agricultural, and small business use.

Rooftop/flush-mounted systems and building integrated systems are permitted; small-scale ground-mounted and freestanding systems require Planning Board approval of a Special Use Permit.

The updates also address batteries associated with such small-scale solar systems, when the batteries are on the same parcel and also if the batteries are on a different parcel.

LL #1 also proposes standards for **“community-scale” solar systems**—including that such systems shall not exceed ten acres in size. Ten acres is sufficient space for approximately a 5 MW system while generally being compatible with Ancram’s environmental and community goals.

Systems requiring more than ten acres are incompatible with the Town’s environmental, farmland, food production, and rural character priorities as expressed in the Comprehensive Plan.

Community-scale solar systems are prohibited in all districts except the Agricultural District, where they require Planning Board approval of a Special Use Permit.

Regulations require that development and operation of community-scale systems shall have no significant adverse impact on resources such as wildlife, significant habitats, and sensitive environmental features.

A decommissioning plan, including site remediation and restoration, plus a financial surety, are required.

In addition, standards are established for storage batteries for such systems, when the batteries are on the same parcel and when the batteries are on a different parcel.

LL #1 also addresses **utility-scale solar systems**—those that are larger than ten acres and generate less than 20 MW, and a second category for those that produce 20 MW or more.

In both categories, LL #1 prohibits such mega-systems throughout the Town of Ancram.

This categorical prohibition is based on the GIS analysis and review of at least five plans and studies in and around Ancram, plus the 21 environmental sensitivities and resources shown on the 12 maps. Each and all of these resources will undergo significant adverse implications likely to result from installation and operation of mega-scale solar systems. Moreover, the ZRC concluded after much study that such adverse impacts are not capable of effective mitigation.

The ZRC and its legal counsel recognize that NYS Executive Law Section 94-c regulates solar generating systems that are 20 MW and greater in size. NYS Executive Law Section 94-c also establishes a renewable energy siting office that ultimately has authority to review and approve those large energy generating facilities.

The Town’s long-standing studies, plans, programs, policies, and local laws coincide with NYS support of the environment, local agriculture, and climate resiliency. The NYS siting office and 94-c regulations also seek to limit adverse environmental impacts. However, the siting office and regulations simultaneously limit local input and have the authority to waive environmental protections to site a large solar facility.

The proposed solar regulations in LL #1 establish specific standards of the Town of Ancram for its environmental features deemed to be critical. LL #1 outlines a strong rationale for prohibiting large-scale

solar energy generating systems. Recognizing that the NYS siting office has ultimate authority to approve such systems, the siting office could elect not to require compliance with Ancram's prohibition against utility-scale solar facilities.

LL #1 addresses that contingency by establishing that the siting office must require compliance with NYS Ag & Mkts Guidelines for Siting Solar Energy Projects and that they fully evaluate, and avoid or mitigate, damage to specifically identified resources in Ancram.

Your packet contains:

- Resolution of the Town of Ancram Town Board introducing Local Law #1 of 2021....
- Proposed Local Law No. 1 of 2021;
- SEQRA Full Environmental Assessment Form, Part I, Project & Setting (13 pages, plus mapper);
- Full Environmental Assessment Form Section F—Additional Information (1 page);

Your packet does not yet contain the Full Environmental Assessment Form (FEAF) Part 2, nor FEAF Part 3, nor the Environmental Notice Bulletin SEQRA Notice Pub Form. They will be delivered to the TB later in the review/approval process.

Next steps for the Ancram Town Board are:

- Adopt the introductory Resolution;
- Review FEAF Part 1 and its Section F;
- Approve FEAF Part 1;
- Refer Proposed LL #1 to the Town Planning Board;
- Refer Proposed LL #1 to the Columbia County Planning Board;
- Set a date/time for a Public Hearing;
- Provide notice of the Public Hearing and make proposed LL #1 available to the public.