\*\*Note: Staff is still working through the recommendations made by the Planning Board and Conservation Commission and will update this ordinance to reflect those comments\*\*

# Chapter 60, Article XVIII Solar Energy Generating Systems.

### **Sec. 60-1425. – Definitions**

*Abandonment:* The date at which any part of a Solar Energy Generating System has been out of service for a continuous period of 12 months.

*Airport Overlay Zone:* The area that lays within a 2 nautical mile radius of the centerline of the nearest runway of the Auburn Lewiston Airport.

*Dual-Use Systems*: Solar energy systems where photo-voltaic panels are attached to structures or buildings without any impact on the primary use (E.g. photo-voltaic panels on structures cantilevered over parked cars or benches; solar panels located on a piece of infrastructure such as a sign or light).

Ground mounted Solar Energy Generating System (also known as free-standing solar energy systems): A solar energy system that is structurally mounted to the ground. The panels may be stationary or revolving and of any size.

*Operations and Maintenance Plan:* A plan outlining the operations and maintenance of a solar energy system, to include safety measures and procedures for maintenance.

Roof Mounted and Building integrated solar energy generating systems: A solar energy system in which solar panels are mounted on top of the roof of a structure either as a flush-mounted system or as modules fixed to frames which can be tilted toward the south at an optimal angle. The definition also includes a solar energy system that is an integral part of a principal or accessory building and include, but are not limited to, photovoltaic or hot water systems that are contained within roofing materials, windows, walls, skylights and awnings.

Solar Access: Space open to the sun and clear of overhangs or shade, including orientation of streets and lots to the sun, so as to permit the use of active and/or passive Solar Energy Generating Systems on individual properties.

Solar Energy Generating System: A complete assembly consisting of one or more solar collectors and associated mounting hardware or equipment, intended to provide for the collection, storage and distribution of solar energy for heating or cooling, electricity generation, or solar/thermal hot water systems, these may be ground-mounted, dual-use, roof-mounted and building-integrated systems.

*Surface Area:* The total airspace projected over the ground, footprint of accessways and any appurtenant structures associated with the Solar Energy Generating System.

*Total height of solar energy system:* The total vertical distance as measured from the average elevation of the finished grade adjacent to the fixed base of the support structure, to the highest part of the system.

*Total Land Area of the System:* The total area of a parcel(s) physically occupied by the Solar Energy Generating System installation.

*Total rated capacity:* The maximum rated output of electrical power production of the photovoltaic system in watts of Direct Current (DC).

Conservation Commission Recommendations: Add additional definitions for vegetation and compaction (see below).

# Sec. 60-1426. – Purpose.

The purpose of this section is to allow for the construction and operation of private and public Solar Energy Generating Systems designed to produce energy for use on site or off site, by establishing appropriate standards to ensure safe, effective and efficient use of solar energy systems compatible with surrounding uses.

## Sec. 60-1427. – Applicability.

This section shall apply to all Solar Energy Generating Systems except the following:

- a. Solar Energy Generating Systems for municipal use.
- b. Building Integrated and Roof-Mounted Solar Energy Generating Systems which are permitted by right in all Zoning Districts in accordance with applicable FAA regulations if within the Airport Overlay Zone.
- c. Non-structural maintenance, like-kind repair or reconstruction of equipment, provided that it does not constitute an expansion of a Solar Energy Generating System. For the purposes of this section, expansion of a Solar Energy Generating System means a change in the total land area of the system or its associated equipment.
- d. Ground-Mounted Solar Energy Generating Systems intended to satisfy the electricity needs of the principal use of the lot provided the Owner or Operator completes FAA requirements if within the Airport Overlay Zone.

#### Sec. 60-1428. – Administrative Procedures.

- (a) The installation of ground-mounted and dual-use Solar Energy Generating Systems or devices occupying greater than 1 acre in total land area shall be permitted by special exception in the Industrial District and Agriculture and Resource Protection District after approval by the Planning Board in accordance with the provisions of Division 3 of Article XVI of this chapter as well as the supplemental provisions described in these regulations.
- (b) Unless subject to the provisions of subsection (a) of this section or listed as an exempt activity in Sec. 60-1427, any other Solar Energy Generating Systems, including the replacement and repair of equipment, physical modifications to an existing and permitted Solar Energy Generating Systems provided they do not alter the total land area of the system and its associated equipment as defined under Sec. 60-45(a) shall be permitted by right in the Industrial District and Agriculture and Resource Protection District and subject to review and approval in accordance with Sec. 60-1430(b).

## Sec. 60-1429. – Application Requirements.

- (a) Solar Energy Generating Systems permitted by special exception. In addition to the submission requirements of site plan review, an application for a Solar Energy Generating Systems permitted as a special exception shall contain the following information:
  - (1) All Solar Energy Generating Systems permitted by Special Exception shall be subject to the Special Exception and Site Plan Review procedures specified in Article XVI, Divisions 2 and 3 of this chapter.
  - (2) A narrative describing the proposed Solar Energy Generating System, including an overview of the project; the project location; the total rated capacity of the solar energy system; dimensions of all components and respective manufacturers; and a description of associated

- facilities and how the system and associated facilities comply with the standards of this ordinance.
- (3) An accurate scaled site plan of the subject property showing the planned location of the proposed Solar Energy Generating System and all associated facilities; property lines, adjoining streets and access; topographic contour lines; existing and proposed buildings; fencing; structures; potential shade from nearby trees and structures; vegetation; driveways, parking and curb cuts on the subject property; specifications for all proposed electrical cabling/transmission lines, accessor equipment and landscaping, including the tallest finished height of the solar collectors and name, address, phone number and signature of the project proponent, as well as co-proponents or property owners, if any, the names, contact information and signature of any agents representing the project proponent. The site plan shall show any proposed off-site modifications to provide grid connections, access the installation, or to maintain the proposed solar energy system.
- (4) Information on any connections to the grid including evidence of meeting the local electric utility's transmission and distribution interconnection requirements (this may be a condition of approval if a copy of the application for interconnection with the electric utility provider is submitted).
- (5) Documentation that the solar generation equipment has been approved under the UL certification program and that the system complies with all applicable local, state and federal codes/regulations with the standards regarding signal interference. Electrical component and connection information shall be in sufficient detail to allow for a determination that it meets Maine electrical codes.
- (6) All parcels within a 2 nautical mile radius of the Auburn Lewiston Municipal Airport, as measured based on the runway centerline closest to the location in question, shall submit a Solar Glare Hazard Analysis Tool (SGHAT) report, outlining solar panel glare and ocular impacts, for each point of measurement approved by the Airport Manager at the time of application to the Planning Board.

## Sec. 60-1430. – Approval.

Solar Energy Generating Systems permitted by special exception. The planning board is authorized to retain experts at the applicant's expense to evaluate technical information or conduct studies that it finds necessary in order to determine whether these standards will be met. In addition to the criteria in sections 60-1277 and 60-1336, the planning board shall consider the following standards:

#### I. Yard requirements.

- (1) The setbacks for Solar Energy Generating System installations in the Industrial District, including appurtenant structures and parking areas, shall be subject to the following yard requirements:
- a. *Rear*. There shall be behind every structure associated with a Solar Energy Generating System a rear yard having a minimum depth of 50 feet or 20 percent of the average depth of the lot, whichever is less.
- b. *Side*. There shall be a distance of 5 feet between any structure associated with a Solar Energy Generating System and the side property line, plus the side yard setback shall be increased on foot for every three feet or part thereof increased in street frontage over 60 feet to a maximum of 35 feet for side yard setback.
- c. *Front.* There shall be in front of every structure associated with a Solar Energy Generating System a front yard having a minimum depth of 35 feet or 15 percent of the

- average depth of the lot whichever is less. No front yard need be any deeper than the average depth of front yards on the lots next thereto on either side. A vacant lot or a lot occupied by a building with a front yard more than 35 feet shall be considered as having a front yard of 35 feet.
- (2) The setbacks for Solar Energy Generating System installations in the Agriculture and Resource Protection District, including appurtenant structures and parking areas, shall be subject to the following yard requirements:
- a. *Rear*. There shall be behind every structure associated with a Solar Energy Generating System a rear yard having a minimum depth of 25 feet.
- b. *Side*. There shall be a minimum distance of 15 feet between any structure associated with a Solar Energy Generating System and the side property line.
- c. <u>Front</u>. There shall be in front of every structure associated with a Solar Energy Generating System a front yard having a minimum depth of 25 feet or 25 percent of the average depth of the lot whichever is less.
- (3) All Solar Energy Generating System installations shall be regulated by the dimensional setback regulations, stipulated in Article XII, Division 5, Shoreland Overlay District, or a prescribed in other sections of this ordinance.
- II. Lot Coverage. For Solar Energy Generating System installations in the Industrial District, the paved, mounting block, or otherwise impervious areas of sites on which ground mounted solar energy systems are installed shall comply with the lot coverage standards as defined in section 60-579(2). For Solar Energy Generating System installations in the Agriculture and Resource Protection District, the lot coverage shall not exceed 30%. For the purposes of this section, photovoltaic cells, panels, arrays, and inverters shall not be considered impervious areas provided the soil underneath the collector is not compacted and remains vegetated.

- Vegetation should be defined: What "type" of vegetation are we talking about when we say "remains vegetated."
- What is the technical understanding of "compaction?" Staff will look into the Ch 500 Stormwater Standards for vegetation/compaction and see what standards are already in place that would apply to solar projects.
- Lot coverage is based on the size of a parcel and the solar arrays proposed. Is there anything in the Comprehensive Plan/Strategic Plan on recommended percentages?

## **Planning Board Recommendations:**

• For density considerations, the module (square footage of the panel itself) could be considered for the lot coverage/ground coverage percentages in the Ag-Zone instead of the impervious area.

#### **Staff Follow-Up:**

• There is no lot coverage standard in the Ag-Zone. Staff used the BD Solar project as an example and using the most conservative figures from their project and only including the paved, mounting block areas, the lot coverage was about 30%.

- While referenced throughout the document, compaction is not defined under Chapter 500. Vegetation is not explicitly defined but is explained under the permanent stabilization requirements:
  - If the area will not be worked for more than one year or has been brought to final grade, then permanently stabilize the area within 7 days by planting vegetation, seeding, sod, or through the use of permanent mulch, or riprap, or road sub-base. If using vegetation for stabilization, select the proper vegetation for the light, moisture, and soil conditions; amend areas of disturbed subsoils with topsoil, compost, or fertilizers; protect seeded areas with mulch or, if necessary, erosion control blankets; and schedule sodding, planting, and seeding so to avoid die-off from summer drought and fall frosts. Newly seeded or sodded areas must be protected from vehicle traffic, excessive pedestrian traffic, and concentrated runoff until the vegetation is well-established with 90% cover by healthy vegetation. If necessary, areas must be reworked and restabilized if germination is sparse, plant coverage is spotty, or topsoil erosion is evident. One or more of the following may apply to a particular site.
- III. Total Land Area. When reviewing applications for Solar Energy Generating Systems in the Agriculture and Resource Protection District, the Planning Board shall consider other lands within the Agriculture and Resource Protection District where Solar Energy Generating Systems have been constructed or received Planning Board approvals and must find that the proposed Solar Energy Generating System will not materially alter the stability of the overall land use pattern of the Agriculture and Resource Protection District. In making this determination, the Planning Board shall consider the overall effect of existing and potential Solar Energy Generating Systems and if it will be more difficult for existing farms in the area to continue operation due to diminished opportunities to expand, purchase or lease farmland, acquire water rights, or diminish the number of tracts or acreage in farm use in a manner that will destabilize the overall character of the surrounding area.

- Total Land Area The 50-acres over a 1-mile radius initial idea for a standard could potentially pit neighbors against each other. The preference would be to let the Planning Board go through the process and make a judgment based on the language above. The total land area is going to be limited based on the terrain of the Ag-Zone. Perhaps it would be preferable to have the solar installations concentrated in one area so as not to disturb a larger landscape with the 50-acres over a 1-mile radius. This would encourage spreading out solar installations in little clusters all over the Ag-Zone. There's also a consideration about prime soils and their proximity to the grid.
- The "Character of the Landscape" standard could be vague. How much solar development does the City want to see in the next 10-15 years?
- The language should also incorporate involving the Ag-Commission/Conservation Commission if in a Resource Protection District.

#### **Planning Board Recommendations:**

• The Planning Board does not want to see solar limited to one area of the Ag-Zone as it could become troublesome. Whoever starts will get to decide where it all ends up going. It should be open to anyone in the Ag-Zone wherever they are located.

- For character, the Planning Board has to contend with this standard elsewhere in the Site Plan/Subdivision criteria and there are no definitions for "character." The impetus is on the Planning Board to decide. The Board was a little wary about adding standards to define character of the neighborhood and how that may affect the review of other projects without those specific standards.
- Some Planning Board members feel that the best Ag-lands should not be considered for solar installations.
- The Planning Board wants to hear from Ag-Zone landowners about what kinds of density would seem reasonable.
- IV. *Height Regulations*. The total height of the Solar Energy Generating System and all appurtenant structures, including but not limited to, equipment shelters, storage facilities, transformers, and substations shall not exceed thirty (30) feet.

• The height regulations should also consider a minimum height limit based on solar ability to access sunlight. Solar panels too low could change the hydrologic structure of the soil and affect vegetation. Cited UMass Amherst Research.

## **Planning Board Recommendations:**

- Questions on how a minimum height limit would be measured: Average height of the panel, halfway point? The concern is about leaving the land in the same or better condition than before the solar installation. Is height the correct metric to achieve this? The ordinance already has standards about preserving the land and perhaps those requirements could also include providing open space for air-flow, water and light.
- V. Technical and Safety. A copy of the As-Built Site Plan for the Solar Energy Generating System shall be provided to the local Fire Prevention Officer. All means of shutting down the Solar Energy Generating System shall be clearly marked. Solar Energy Generating Systems in the Agriculture and Resource Protection District shall consider the location of existing grid infrastructure and plan to limit the need to extend the amenities for optimal efficiency.
- VI. Maintenance. The Owner or Operator of the Solar Energy Generating System shall maintain the facility in good condition. Proper maintenance of the facility means that it is operating as designed and approved. Maintenance shall include, but not be limited to, painting, structural repairs, repairing damaged panels and integrity of security measures. The Solar Energy Generating System must be properly maintained and kept free from all hazards, including, but not limited to, faulty wiring, loose fastenings, being in an unsafe condition or detrimental to public health, safety or general welfare. Site access shall be maintained to a level acceptable by the local Fire Prevention Officer for emergency response. The owner or operator shall be responsible for the cost of maintaining the Solar Energy Generating System and any access road(s), unless accepted as a public way.
- VII. Glare. Solar panels are designed to absorb (not reflect) sunlight and are generally less reflective than other varnished or glass exterior materials. However, solar panel placement should minimize or negate any solar glare impacting nearby properties or roadways, without unduly impacting the

functionality or efficiency of the solar energy system. Parcels located within a 2 nautical mile radius of the Auburn Lewiston Municipal Airport, as measured based on the runway centerline closest to the location in question shall comply with Sec. 60-1429(a)(6).

- VIII. *Visual Impact*. An Applicant shall make reasonable efforts, as determined by the Planning Board, to minimize visual impacts associated with the installation of a Solar Energy Generating System. The Board shall consider the size, location and topography of the site, the characteristics of the surrounding property and the amount and type of development on said properties in determining the amount and type of screening and buffering that it deems appropriate.
  - IX. Lighting. Ground-mounted Solar Energy Generating System lighting shall be consistent with local, state and federal law. Lighting of other parts of the installation, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties. Where feasible, lighting of the solar energy system shall be directed downward and shall incorporate full cutoff fixtures to reduce light pollution.
  - X. <u>Clearing.</u> Where possible, in unbuilt areas, Solar Energy Generating System installations shall maintain the permeability of the ground. Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of the Solar Energy Generating System or as otherwise prescribed by applicable laws, regulations and bylaws/ordinances. <u>If a Solar Energy Generating System is proposed on forestland in the Agriculture and Resource Protection District, on a parcel adjacent to prime farmland or land currently used for farming, clearing of forestland may be permitted under the following conditions:</u>
    - a. The presence of the Solar Energy Generating System shall not result in unnecessary soil erosion or loss that could limit agricultural productivity on the subject property or any abutting properties.
    - b. A decommissioning plan shall be provided at the time of application that includes a process and timeline for the conversion of the parcel into prime farmland or forestland (if applicable), the cost of conversion shall be included in the Financial Surety in accordance with Sec. 60-1431(3).

### **Conservation Commission Recommendations:**

- Wanted to ensure consistency with prime farmland vs. forested areas and the decommissioning standards.
  - These standards should be based on the availability of soils in the Ag-Zone and Auburn. The Commission wants to ensure there is an adequate supply of productive soils without an impact.
  - Include a requirement for making sure critical wildlife is addressed with the requirement of a survey of critical habitat. Staff to ensure this is a requirement of Site Plan/Special Exception. If not, it will be included under the clearing standards.

## **Planning Board Recommendations:**

- Wants the ordinance left open to provide a mechanism to convert forestland to Ag-Land after the life of a project. The Board is not in favor of returning previously forested land to forest if it can be used as prime farmland.
- Wanted to see Section X(a) extended to also include requirements to protect adjacent properties from erosion.

• Think about what are the results we do not want to achieve with clearing standards? For example, the clearing of land for residential development. There should be project limits and some disincentives for other development. A sunset could be considered to limit developers ability to redevelop the land for another purpose.

#### **Staff Comments:**

- Section X(a) has been updated to include protections for adjacent properties.
- XI. Prime Soils. All Solar Energy Generating Systems proposed in the Agriculture and Resource Protection District shall include a soil analysis. Such analysis shall demonstrate if the site proposed for development contains prime farmland as defined by the United States Department of Agriculture (USDA). The least productive agricultural soils shall be considered first for development unless it can be demonstrated to the Planning Board that:
  - a. Non-prime farmland is not available on the subject property;
  - b. Siting the project on non-prime farmland present on the subject property would significant reduce the projects ability to operate successfully;
  - c. The proposed site is better suited to allow continuation of an existing commercial farm on the subject tract than other possible sites also located on the subject tract, including those comprised of non-high-value farmland soils.

All applications for Solar Energy Generating Systems in the Agriculture and Resource Protection District shall be subject to the following provisions:

- a. Siting of the overall facility and individual panels shall keep with the existing contours of the land, and
- b. Only pile driven, or ballast block footing shall be used so as to minimize the disturbance of soils during installation, and
- c. To the extent possible, infrastructure shall not be located on steep slopes.
- d. A plan shall be provided for topsoil maintenance shall be provided at the time of application to the Planning Board.

## **Conservation Commission Recommendations:**

• Some thoughts that Prime Soils should be prohibited entirely or discouraged unless absolutely necessary. Tie in language allowing the use of prime soils if an investment is made in agriculture/resource protection elsewhere. Add back in the requirement of a high intensity soil study and update the map/data on acreage and type of land cover in the Ag-Zone.

#### **Planning Board Recommendations:**

- Prime soils should be allowed to be used if certain needs are demonstrated. Allowing solar may preserve prime farmland if a farmer currently cannot farm, essentially land banking it for the future.
- Prime soils could later be developed into other uses not necessarily agricultural uses and solar is preferable to other potential projects on the land.
- Tweak the language in XI(b) because it offers an out by saying not citing the project on prime soils may reduce its ability to operate successfully. What kind of standards

- could be associated with this? It should be worded differently to make the language stronger.
- There is a concern that the ordinance does not currently have a structure directing solar projects away from prime soils.
- Under XI, land should be prevented from going fallow and becoming forested. It is helpful to ground the conversation on an overlay map. Prime soils overlay in the Ag-Zone. Certain soils should be prohibited for commercial solar development.
- XII. Operation & Maintenance Plan. The Owner or Operator shall submit a plan for the operation and maintenance of ground-mounted and dual-use solar energy systems, which shall include measures for maintaining safe access to the installation, stormwater controls, as well as general procedures for operational maintenance of the installation. The following information shall be included in the operations and maintenance plan for projects located in the Agriculture and Resource Protection District:
  - a. A summary of any potential impacts to wildlife and ecosystems including a Vegetative Cover Plan demonstrating where feasible, the replanting of forested areas disturbed during construction.
  - b. A plan prioritizing the ability to co-mingle agricultural and energy generation land uses including but not limited to: apiaries, grazing or handpicked crops.

• Special consideration should be given to plans that promote the comingling of agricultural uses and solar.

## **Planning Board Recommendations:**

- The standard should not require all previously forested land to be re-planted after development. This should be fixed throughout the document.
- Incentives may take away from the ability of solar projects to be sited in other locations.
- XIII. All Solar Energy Generating System installations shall be installed in compliance with the photovoltaic systems standards of the latest edition of the National Fire Protection Association (NFPA) 1, Fire Prevention Code. All wiring shall be installed in compliance with the photovoltaic systems standards identified in the latest edition of the National Electrical Code (NFPA 70).
- (a) Solar Energy Generating Systems permitted by right. An application for a Solar Energy Generating System permitted by right shall require review and approval by the following departments: Planning, Engineering, Fire, Code Enforcement, Auburn Lewiston Municipal Airport and a representative of Lewiston-Auburn 911 committee.

## Sec. 60-1431. – Abandonment or Decommissioning.

- (a) Abandonment and Removal of Ground Mounted and Dual Use Solar Energy Systems.
  - 1. The Owner or Operator shall, at their expense, complete the removal of the solar energy system within 6 months of the end of the useful life of the solar energy system or within 6 months of the date of abandonment as defined in Sec. 60-1425. The Owner or Operator shall notify the Economic and Community Development Department by certified mail of

the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:

- a. Physical removal of all ground-mounted Solar Energy Generating Systems including solar photovoltaic installations, structures, equipment, security barriers and transmission lines from the site.
- b. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
- c. Stabilization or re-vegetation of the site as necessary to minimize erosion. The Economic and Community Development Department, in conformance with applicable regulations, may allow the Owner or Operator to leave existing landscaping or specifically designated below-grade foundations in place in order to minimize erosion and disruption to vegetation.
- 2. The City <u>may</u> revoke any approvals and/or pursue removal of the solar energy system at the Owner or Operator's expense in the following circumstances:
  - a. The solar energy system is not installed and functioning within 24-months from the date of approval under this ordinance; or
  - b. The solar energy system is at any time left in an unsafe condition in respect to federal, state or local safety standards (as determined by the City); or
  - c. The solar energy system has not been brought back to a safe condition/operation or removed from the site within the required timeframe; or
  - d. The solar energy system is defective or abandoned and has not been removed from the site within required timeframe.
- 3. Financial Surety. Before the start of construction, the Owner or Operator of a solar energy system shall provide a form of surety, either though escrow account, performance bond or letter of credit from a creditable financial institution, in an amount sufficient to cover the cost of decommissioning in the event the City determines the solar energy system to be abandoned in accordance with Sec. 60-1431(a)(2) above. The financial guarantee shall include a provision granting and guaranteeing the City the authority to access the funds and property and perform the decommissioning should the facility be abandoned and the owner or operator fails to meet their obligations to remove the solar energy system. This amount shall be based upon a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer, and submitted to the Planning Board at the time of application. The amount shall include a mechanism for calculating increasing removal costs due to inflation.
- 4. If the Owner or Operator of the Solar Energy Generating System fails to remove the installation in accordance with requirements of this section within 6 months of abandonment of the end of the useful life or date of abandonment, the City retains the right to use the performance guarantee and all other available means to cause an abandoned, hazardous or decommissioned Solar Energy Generating System to be removed.

#### Sec. 60-1432. – Appeals.

- (a) An appeal from a decision of the planning board on a Solar Energy Generating System permitted by special exception shall be in accordance with the provisions of Division 5 of Article XVI of this chapter.
- (b) An appeal from a decision of the staff review committee on a Solar Energy Generating System permitted by right shall be to the board of appeals. The board of appeals is authorized to retain

experts at the applicant's expense to evaluate technical information or conduct studies that the board of appeals determines may be necessary in order to render a decision on the appeal.

## **Additional Comments from the Conservation Commission:**

- Size and State Review/Permits Required Want to ensure abiding by other State setbacks: Wetlands/State permits and other natural resources with required buffers. Perhaps the connection is already made with Chapter 500 or in the ordinance already?
- Big picture considerations (Comp. Plan/Strategic Plan) Prioritize rooftop solar close to the center of the City and in the Industrial District.
  - Planning Board comments: Rooftop solar is already prioritized by not requiring Planning Board review. This has already been done from a regulatory perspective to the degree it can be.