



City of Auburn, Maine

Office of Planning & Permitting

Eric Cousens, Director

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To: Auburn Planning Board
From: Megan Norwood, City Planner
Re: WORKSHOP: Proposed Amendment to Section 60-1507 to add the requirement that a decommissioning plan be approved by the Maine DEP with accompanying financial assurance for all projects occupying 3 or more acres.
Date: November 9, 2021

I. PROPOSAL: Staff is using this opportunity to bring a few recent bills passed by the legislature before the Planning Board to initiate amendments to the zoning ordinance.

As of October 18, 2021, Maine law requires developers of solar projects that occupy 3 or more acres to have a decommissioning plan approved by the Maine DEP and an accompanying financial assurance sufficient to cover the cost decommissioning as outlined in the plan. The law applies to projects on which construction starts on or after October 1, 2021, as well as to projects that undergo a transfer of ownership after October 1, 2021.

Link FMI: <https://www.maine.gov/dep/land/solar-decommissioning/index.html>

Staff recommends the Planning Board initiate a zoning ordinance amendment to add the following language to the Solar ordinance to address the new requirement:

Section 60-1507(5): All solar projects occupying three or more acres on which construction starts on or after October 1, 2021, as well as any solar project that undergo a transfer of ownership after October 1, 2021 shall provide a decommissioning plan approved by the Maine DEP with an accompanying financial assurance sufficient to cover the. Cost of decommissioning as outlined in the plan.

We already have a requirement in our solar ordinance for decommissioning plans and performance bonds. This is simply to add the additional requirement that the information be reviewed by DEP.

II. DEPARTMENT REVIEW:

- Police - No Comments
- Auburn Water and Sewer – No Comments
- Fire Department/Code Enforcement – No Comments
- Engineering – No Comments
- Public Services - No Comments
- Airport – No Comments
- 911 - No Comments

III. PLANNING BOARD ACTION/STAFF SUGGESTIONS: Staff recommends the Planning Board schedule a public hearing to initiate this zone change at the December 14, 2021 meeting.