

ORDINANCE FORMAT: OPTION 2

Incorporating Solar Energy Generating Systems Language under the Special Exception Standards for the Ag-Zone

Sec. 60-145. – Use Regulations.

(a) Permitted Uses...

(b) Special Exception Uses. The following uses are permitted by special exception after approval by the planning board in accordance with the provisions of division 3 of article XVII of this chapter:

ADD NEW #(18) Ground-Mounted and Dual-Use Solar Energy Generating Systems greater than one acre in total land area as defined in Sec. 60-1425, subject to the following conditions:

- a. Must comply with the provisions of Article XVIII under this chapter;
- b. Setbacks, including appurtenant structures and parking areas, shall be subject to the following yard requirements:
 1. *Rear.* There shall be behind every structure associated with a Solar Energy Generating System a rear yard having a minimum depth of 25 feet.
 2. *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.
 3. *Front.* 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.
- c. Lot coverage shall not exceed 30%, as defined under Sec. 60-1430(a)(II).
- d. *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. The Planning Board shall request an assessment of the proposed project by the Agriculture Committee and, if located in the Resource Protection District, the Conservation Commission and carefully consider their recommendations.
- e. All applications shall consider the location of existing grid infrastructure and plan to limit the need to extend the amenities for optimal efficiency.
- f. 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 or the use of prime farmland may be permitted under the following conditions:

1. The presence of the Solar Energy Generating System will not result in unnecessary soil erosion or loss that could limit agricultural productivity on the subject property or abutting properties.
 2. A decommissioning plan is provided at the time of application that includes a process and timeline for the conversion of the parcel into prime farmland or forestland, as determined by the Planning Board. The cost of conversion shall be included in the Financial Surety in accordance with Sec. 60-1431(3).
 3. A survey of critical wildlife habitat is provided at the time of application, if a project is located in an area determined to be essential habitat, as defined by the Maine Department of Inland Fisheries and Wildlife, agency approval shall be secured before a Planning Board ruling.
 4. A Vegetative Cover Plan is provided that demonstrates, where feasible, the replanting of forested areas disturbed during construction and preservation of prime soils throughout the life of the project.
- g. *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). Least productive agricultural soils shall be considered first for development unless it can be demonstrated to the Planning Board that:
1. Non-prime farmland is not available on the subject property;
 2. 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.
- h. All applications for Solar Energy Generating Systems in the Agriculture and Resource Protection District shall be subject to the following provisions:
1. Siting of the overall facility and individual panels shall keep with the existing contours of the land, and
 2. Only pile driven, or ballast block footing shall be used so as to minimize the disturbance of soils during installation, and
 3. To the extent possible, infrastructure shall not be located on steep slopes, and
 4. A plan for topsoil maintenance shall be provided at the time of application to the Planning Board.
- i. All Operations and Maintenance Plans shall also include:
1. A plan prioritizing the ability to co-mingle agricultural and energy generation land uses including but not limited to: apiaries, grazing or handpicked crops.
 2. A plan that avoids the use of herbicides and other pesticides on the site to provide habitat for native plants and animals and native pollinators.