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SUMMARY OF PROPOSED CHANGES TO COPAKE TOWN CODE SOLAR PROVISIONS

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Designed to ensure solar power plant siting is: consistent with local planning objectives; preserves community character; complies with farmland protection policies; and further protects Copake from potential decommissioning costs associated with removing abandoned projects. The proposed changes:

Section 232-2 : Change definition of “Solar Energy System” to facilitate additional regulation of the largest facilities while encouraging potential community solar sized facilities covering less than 10 acres. The proposed modification changes classification by adding a fourth classification (Tier 4) of solar energy system.

Section 232-16.12(A) Purpose and Intent: Modified to require review of impacts on specific local resources such as the Rheintrom Hill Audubon Center, abundance of prime farmland, Taghkanic State Park, Copake Lake, Bash Bish Brook, Roe Jan Kill, Taghkanic Creek, and growing bicycle tourism.

Section 232-16.12(B) Enabling Authority: Clarifies Copake’s power to enact law.

Section 232-16.12(C) Applicability: Expresses Town’s clear intent that projects sited by State Siting Board or Office of Renewable Energy Siting must comply with all substantive provisions of zoning code.

Section 232-16.12(D) Requirements for Tier 1 and Tier 2 Solar Energy Systems: Clarifies local permitting requirements for smaller Tier 1 and Tier 2 systems.

Section 232-16.12(E) Requirements for Tier 3 Solar Energy Systems: Clarifies permitting requirements for Tier 3 Solar Energy Systems

- Preserves important farmland by: prohibiting Tier 3 development on prime farmland and prime farmland if drained, and by limiting cumulative solar development to 10% of all farmland of statewide

importance in the town.

- Preserves visual resources by prohibiting development in Scenic Corridor Overlay Zone.

Section 232-16.12(F) Requirements for Tier 4 Solar Energy Systems:

- Preserves visual resources by prohibiting development in Scenic Corridor Overlay Zone.
- Preserves farmland by: prohibiting on more than 10% of the entire area of any parcel containing soils classified as prime farmland, and by prohibiting large solar development on soils classified as prime farmland, prime farmland if drained, or farmland of statewide importance
- Requires avoidance or minimization of visual impacts on routes commonly used by cyclists.
- Removes planning board's power to waive power line undergrounding requirement

Section 232-16.12(G) Regulations for Battery Energy Storage Systems associated with Solar Energy Systems

- Adds requirements for siting battery energy storage systems associated with solar energy systems.
- Preserves farmland by: prohibiting siting battery energy storage systems on soils classified as prime farmland, prime farmland if drained, and soils of statewide importance, and by prohibiting siting large battery energy storage systems on more than 10% of any parcel containing prime farmland, prime farmland if drained, or soils of statewide importance

Section 232-16.12(H) Abandonment or decommissioning of Tier 3 and Tier 4 solar energy systems and associated Battery Energy Storage Systems.

- Prevents amount of decommissioning security from being reduced by expected salvage value of facility components.
- Requires letter of credit in amount sufficient to protect Town from cost of decommissioning.