

LAND USE LAW CENTER
PACE UNIVERSITY SCHOOL OF LAW
WHITE PLAINS  NEW YORK

MODEL SOLAR ENERGY RESOLUTION

October 2014

This Model Solar Energy Resolution outlines a strategy for community-wide solar development. It identifies the objectives of a local solar strategy and includes the components of a comprehensive local solar program. It sets forth relevant findings, authorizes a solar energy task force to assess opportunities for solar energy development, and makes recommendations regarding programs, plans, and regulations that will advance solar energy. The purpose of this model policy statement is to list and describe many opportunities and initiatives that provide municipal leaders options for drafting a policy that meets their unique circumstances and objectives. Although this draft is a resolution for legislative adoption, it can be recast as a mayoral executive order.

**RESOLUTION SUPPORTING IMPLEMENTATION OF
A SOLAR ENERGY PROGRAM**

[City/Town/Village] of _____

Date Adopted: _____

WHEREAS, solar energy is an abundant, renewable, and non-polluting energy resource;

WHEREAS, it is the intention of the [City/Town/Village] to adopt a strategy for community-wide solar development for the purpose of achieving the multiple economic, health, environmental, and educational benefits of solar energy, while maintaining the community character, design standards, and livability of the [City/Town/Village];

WHEREAS, there are a number of solar energy facilities and technologies that can be deployed in the [City/Town/Village] and several strategies that the [City/Town/Village] can implement to ensure the maximum use of solar energy in the community;

WHEREAS, the deployment of many of these solar energy facilities and the pursuit of these strategies can greatly reduce the cost and consumption of energy, while lowering carbon emissions and reducing fossil fuel consumption in the [City/Town/Village];

WHEREAS, it is the intent of the [City/Town/Village] to examine its current policies, plans, programs, strategies, and regulations to determine whether they facilitate and further the

deployment of appropriate solar energy facilities in the [City/Town/Village];

WHEREAS, there are various policies, plans, and programs that the [City/Town/Village] can consider implementing to encourage the deployment of solar energy facilities, including:

- Appointing a task force to be responsible for solar initiatives by charging an existing sustainability task force or conservation advisory council or creating a Solar/Renewable Energy Task Force
- Evaluating opportunities, conducting studies, and performing research
- Establishing a solar energy technology and development training program for staff and local board members
- Leveraging the [City/Town/Village]'s efforts through partnering with adjacent communities
- Seeking funding from federal and state agencies and leveraging state and federal technical assistance grants
- Developing a community engagement process
- Adding a solar energy component to the comprehensive plan, making text amendments to the current comprehensive plan, adopting an area plan for solar energy, or adopting a stand-alone functional plan on solar energy
- Investing [City/Town/Village] funds in solar resources to demonstrate both feasibility and community commitment to using local resources, such as allocating funds in the capital budget for the addition of solar energy facilities and building enhancements to municipal buildings and infrastructure
- Providing incentives for solar energy facilities for private business and residential owners, including tax abatements, fee exemptions and rebates, etc.
- Ensuring that the permitting and inspection processes are transparent, predictable, and easily accessible for applicants to use
- Adopting the New York State Unified Solar Permit and the processes attendant to that Permit
- Providing low-cost, standardized fees for the approval of permits for solar energy facilities;

WHEREAS, there are various land use regulations that can be adopted to encourage the deployment of solar energy facilities, including:

- Adding definitions of various types of solar energy facilities to the definitions section of the [City/Town/Village]'s zoning law
- Amending the [City/Town/Village]'s land use regulations to specify how each type of solar energy facility will be furthered and properly controlled, while minimizing the expense of the review and approval process
- Declaring some types of solar energy facilities, including roof-mounted photovoltaic panels and some types of on-site solar arrays, to be legal accessory uses in most zoning districts
- Exempting certain solar energy facilities from some zoning restrictions such as maximum heights, setbacks, lot area coverages, requirements
- Permitting solar energy facilities as conditional uses where their impacts are

significant and require mitigation

- Authorizing the planning board to require developments to employ solar requirements including solar access, solar orientation, and inclusion of solar energy facilities in site plans and subdivisions, including clustered subdivisions, while mitigating and adverse impacts on nearby properties and neighborhoods
- Adopting tree regulations that consider the impact, whether positive or negative, on solar access of nearby properties
- Adopting historical preservation and architectural standards that are preapproved by the implementing local board;

NOW THEREFORE, BE IT RESOLVED BY THE [CITY/TOWN/VILLAGE] COUNCIL that it is the legislative policy of the [City/Town/Village] to consider, evaluate, and support the adoption of these plans, programs, and regulations, as appropriate;

BE IT FURTHER RESOLVED, that the [Chief Elected Official], upon the advice of the [legislative body], shall [appoint/charge] [Sustainability Task Force/Conservation Advisory Council/Solar/Renewable Energy Task Force] to assess solar energy opportunities in the [City/Town/Village] and to make recommendations to the [legislative body] and to the [Chief Elected Official] regarding the adoption of appropriate solar energy policies, plans, programs, and regulations;

BE IT FURTHER RESOLVED, that the [Task Force] shall conduct studies to help determine appropriate solar energy initiatives by exploring legal, technical, environmental, and economic considerations for solar energy systems within the community;

BE IT FURTHER RESOLVED, that the [Task Force] shall establish a training program for municipal staff and board members that ensures they understand solar energy technology and development and that provides land use and resource protection tools and consensus building and decision-making techniques;

BE IT FURTHER RESOLVED, that the [Task Force] shall consider methods of partnering with adjacent communities to secure a larger scale of operation, to share costs and resources, and to become more competitive for state and federal grants;

BE IT FURTHER RESOLVED, that the [Task Force] shall research state and federal technical assistance and grant opportunities and apply for this funding and assistance when available, and staff shall foster solar energy projects by providing developers with information regarding federal, state, and local grant and incentive programs available to encourage the installation and use of solar energy systems;

BE IT FURTHER RESOLVED, that the [Task Force] develop a community engagement process and shall hold meetings on a community-wide basis to involve all key stakeholders, gather all available ideas, identify divergent views, and secure support from the entire community; and

BE IT FURTHER RESOLVED, that the [Task Force], the staff of [City/Town/Village], consultants, and solar energy partners should develop a comprehensive set of plans, programs, and regulations to implement appropriate practices so that the [City/Town/Village] can become a leader in advancing the use of solar energy throughout the community.

ADOPTED: _____

ATTEST:

_____, [City/Town/Village] Clerk