

TOWN OF TURNER

COMMERCIAL SOLAR ENERGY FACILITY MORATORIUM ORDINANCE

WHEREAS, the Maine Legislature has enacted laws intended to encourage development of renewable energy projects in the State of Maine; and

WHEREAS, the Town of Turner (“Town”) has seen much interest in Commercial Solar Energy Facilities, approving six (6) Site Plan applications for Commercial Solar Energy Facilities in the last two years, and that demand for Commercial Solar Energy Facilities will likely remain strong due to the amount of undeveloped land and access to major transmission corridors; and

WHEREAS, the available parcels in Town where development and operation of Commercial Solar Energy Facilities are presently feasible raises legitimate and substantial concerns about the environmental and wildlife impacts of such uses, their appropriateness in those areas of Town, as well as visual and other considerations related to the appropriate siting of these systems; and

WHEREAS, the Town’s current Zoning Ordinance does not provide specific definition for a Commercial Solar Energy Facility, and currently considers this use a Public Utility Facility; and

WHEREAS, the Town’s current Zoning Ordinance does not provide specific Performance Standards which may be used to judge the appropriateness and subsequent impacts and performance of Commercial Solar Energy Facilities, the Town’s Zoning Ordinance may be inadequate to prevent serious public harm that could be caused by the unregulated development of Commercial Solar Energy Facilities in Town; and

WHEREAS, a moratorium is necessary to allow a reasonable amount of time for the Planning Board to host workshops, develop a draft ordinance encoding performance standards for Commercial Solar Energy Facilities, hold public hearings, and prepare a final Ordinance for a vote at a Town meeting; and

WHEREAS, it is anticipated that such preparation, planning and development of Performance Standards to be added to Section 4 of the Zoning Ordinance will take at least one hundred eighty (180) days from the date the Town enacts this Moratorium Ordinance;

NOW THEREFORE, based on the preceding findings, be it ordained by the Town of Turner, that the following Commercial Solar Energy Facility Moratorium Ordinance (“Moratorium Ordinance”) be, and hereby is, enacted and, in furtherance thereof, the Town does hereby declare a moratorium on the location, operation, permitting and licensing of Commercial Solar Energy Facilities within the Town.

- 1) **Authority.** This Moratorium Ordinance is enacted pursuant to 30-A M.R.S.A § 4356 and the Town's home rule authority pursuant to the Maine Constitution and 30-A M.R.S.A § 3001.
- 2) **Purpose.** The purpose of this Moratorium Ordinance is to allow Town officials and staff reasonable time to evaluate the concerns raised in regard to further development of Commercial Solar Energy Facilities, and to develop necessary Ordinances to provide adequate protection for the property, health, welfare, and safety of the Town's residents to address these concerns.
- 3) **Definition.** For the purposes of this Moratorium Ordinance, a Commercial Solar Energy Facility means a facility that uses one or more solar collectors to convert solar energy to electrical energy, and that is operated solely for the purpose of generating electrical power for sale. A commercial Solar Energy Facility includes solar panels/collectors and associated facilities such as buildings, roads, electrical equipment, lines, and substations. This definition does not include solar energy facilities that principally generate energy for one or more residential, agricultural, or business uses on the property on which the facility is located.
- 4) **Effective date.** This Moratorium Ordinance shall take effect on all proceedings, applications, petitions and request for Commercial Solar Energy Facilities that are not pending proceedings as defined by 1 M.R.S.A § 302, as of December 22, 2022, and shall remain in effect for one hundred eighty (180) days after said date, unless extended, repealed, or modified by the Turner Select Board.
- 5) **Prohibition.** During the time this Moratorium is in effect, no officer, official, employee, office, board, or agency of the Town shall accept, process, approve, deny, or in any other way act upon any application for a license, building permit or any other type of zoning, planning, or land use approval or permit, related to a Commercial Solar Energy Facility development within the Town.
- 6) **Pending Proceedings.** This Moratorium Ordinance shall not be applicable to applications that have been granted final approval prior to the effective date of the Ordinance, or to pending applications to the Turner Planning Board. Notwithstanding the provisions of 1 M.R.S.A §302, an application is considered a pending proceeding if it has been deemed to be a complete application by the Planning Board, prior to the effective date of this Moratorium Ordinance.
- 7) **Enforcement.** The municipal officers are hereby authorized to institute any and all actions, either legal or equitable, that they deem necessary or appropriate to enforce the provisions of this Moratorium Ordinance.
- 8) **Severability.** Should any section or provision of this Moratorium Ordinance be declared by any court of competent jurisdiction to be invalid, such a declaration shall not invalidate any other section or provision.