

1. **PLN-ZOTA-24-00003: REGULATION OF SOLAR ENERGY SYSTEMS** – a text amendment to create a new article in the Zoning Ordinance to facilitate the siting, development, construction, installation, and decommissioning of solar energy systems.

INITIATED BY: Silicon Ranch
PROPOSED TEXT: Copies are available from the staff.

The Zoning Committee Recommended: **Postponement**.

The Staff Recommends: **APPROVAL OF THE STAFF ALTERNATIVE TEXT**, for the following reasons:

1. The proposed language will allow for increased utilization of solar energy systems within urban contexts, contributing to the community's efforts to reach net-zero emissions by 2050 (Theme E, Goal #1.c).
2. The decision on how to address ground mounted solar energy systems in our rural areas should be based on a larger, more robust process, with opportunities for stakeholder and community conversations that seek consensus (Theme E, Goal #2.a).

Staff Presentation – Mr. Daniel Crum presented the staff report and recommendations for the text amendment. Mr. Crum provided a brief summary on the applicant, Silicon Ranch, stating they are a solar energy system provider based out of Tennessee that specializes in large scale solar fields that are used in conjunction with agricultural operations. Mr. Crum indicated that the applicant is proposing a whole new Article of the zoning ordinance titled "Solar Energy Systems" that would codify and clarify the different types of solar energy systems and the locations they could be permitted, with the purpose of allowing solar energy systems in the agricultural zones.

Mr. Crum highlighted the current framework for solar energy systems stating that there is a height limit for roof mounted panels, and that the Board of Adjustment made the determination that ground mounted solar energy system uses are an industrial use. Mr. Crum indicated that in Staff's research they found a wide array of different practices from cities all around the country, but found the common thread was eliminating barriers to allowing solar energy systems in urban areas, where solar energy systems were most appropriate. Additionally, Staff researched the mitigation of potential impacts from the solar energy systems, as well as decommissioning plans and how much they cost and how they affected the environment. Mr. Crum indicated that Staff took the applicant's language, which borrowed from the State of Kentucky's Model Solar Ordinance, and made changes based on their research and divided solar energy systems into three core parts - Integrated Solar Energy Systems, Roof Mounted Solar Energy Systems, and Ground Mounted Solar Energy Systems.

As defined with this proposed text, Integrated Solar Energy Systems are incorporated into the construction of a building, Roof Mounted Solar Energy Systems are mounted on roofs after construction of a building, and the Ground Mounted Systems are the larger scale systems on various amounts of square feet and acreages.

Mr. Crum gave a brief summary of the Staff alternative text that included categories for ground mounted units, accessory uses within the commercial and residential contexts, removing redundancy and duplicative requirements, standards for use, and a framework for decommissioning plans. Mr. Crum noted that the inclusion of Ground Mounted Solar Energy Systems in agricultural zones should be based on a larger, more comprehensive process and that process would look similar to the recreation and tourism ZOTA from 2014 where a work group was established and the recommendations from that group were implemented.

Mr. Crum concluded by stating that Staff is recommending approval of the Staff alternative text and could answer any questions from the Planning Commission.

Commission Questions and Comments – Mr. Michler asked for the reasoning behind not allowing small scale ground mounted panels in the agricultural zones. Mr. Crum indicated that Staff thought that any discussions in the agricultural zones would necessitate a larger discussion with input from the public.

Applicant Presentation – Mr. Darby Tuner, attorney for the applicant, indicated that this application has been discussed with Staff over the past 3-4 years before they finally applied this year. Mr. Turner stated that they currently have one solar farm in Garrard County with 375 acres of land and sheep living on the land and thriving, producing about 40 megawatts. Mr. Turner stated that they had revised their application several days ago and stated that the main changes concerned the ground mounted solar energy systems having a dual use and a land management plan that would have to be turned in for any new application, as well as a

decommission plan. Additionally, Mr. Turner contended that solar panels utilize and protect prime soils and would be the continuation of an agricultural use. Mr. Turner stated that there was nothing to be afraid of from an agricultural use and that is what they are proposing.

Mr. Turner shifted the presentation over to Daniel Bell, the Shepard of the previously mentioned solar farm in Garrard County.

Mr. Bell stated that since the installation of the solar panels they have doubled the number of sheep they have from 300 to 700, with the goal of getting up to 1000 soon. Additionally, Mr. Bell stated that they have added four paid employees when they initially had none. Mr. Bell stated that the solar farm has provided financial stability to the farming enterprise and strengthened their family bonds.

Mr. Bell stated that the sheep have loved being around the solar panels that provide shade in the harsh heat of the summer, but also create a unique assortment of greens for the sheep to eat. Mr. Bell argued that these systems will preserve farmland, return all the carbon to the topsoil, and will help generate organic food that feeds hundreds of families while generating power. Mr. Bell concluded his presentation by stating that Silicon Ranch has been a good and supportive partner in this and that the community has embraced their solar farm.

Mr. Turner returned stating that this was a innovative, forward thinking way to address renewable energy in this community and asked for the Planning Commission to approve this text amendment as revised by the applicant.

Commission Questions and Comments – Mr. Owens stated that two weeks ago whoever spoke to the Planning Commission stated that the sheep were eating perennials, now Mr. Bells says they are eating grasses and asked for clarification. Mr. Bell stated that the grasses are perennials.

Ms. Worth asked Mr. Bell if he experienced water pollution from installation of the solar panels and Mr. Bell indicated they did not experience that at all. Additionally, Ms. Worth asked Blake Sturgeon, representative of Silicon Ranch, about the process of installing the panels. Mr. Sturgeon stated that there is a system that prevents a lot of grading during installation and helps keep that natural topography.

Mr. Michler stated he was very concerned about the loss of topsoils when subdivisions are built and asked the applicant to speak on if that is an issue with solar panels. Mr. Turner stated that generally when developers build subdivisions, they get rid of the top soil because its not very good for loadbearing. However, Mr. Turner stated that that is not what they do by and large for solar panels, and only have to do that for transformers and a few structures.

Public Comment – Brittany Rothemeier, Executive Director of Fayette Alliance, gave a presentation that stated that industrial-scale solar facilities were in direct opposition of the Comprehensive Plan and that Fayette County should focus on offsetting carbon emissions by prioritizing innovative solar solutions on already-built environments.

Chad Walker, 5167 Briar Hill Road, stated his opposition due to the large scale impact large solar farms would have on the community and the need to preserve farmland.

Hil Boone, 1451 Walnut Hill Road, stated his opposition in order to preserve the local farmland.

Lee Hall, 251 West Loudon Ave, stated the community needs to balance the rural and urban needs. He provided information about Hallway Feeds solar installation on Loudon Avenue.

Yvette Heard, 311 Irvine Road, stated she was against this application and wanted to protect local farmland.

Lydia Lorenz, 198 Austerlitz Road, stated she had grave concerns about the unknown consequences of large scale industrial farms, and encouraged the Planning Commission to vote no.

Richard Levine, professor emeritus at the University of Kentucky, stated he had issues about the sustainability of these solar farms was against the text amendment.

Lonnie Cowherd, representative of the Builders Association, stated this would be a good deal for the developers and the builders who would develop these solar farms.

Action – A motion was made by Ms. Worth, seconded by Mr. Owens and carried 6-0 (Forester, Nicol, Johnathon Davis, Pohl, and Penn absent) to approve PLN-ZOTA-24-00003: REGULATION OF SOLAR ENERGY SYSTEMS with the Staff alternative text.