CITY OF CONCORD

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Community Development Department

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City Planner

TO: Planning Board Members

FROM: Beth Fenstermacher, Assistant City Planner

DATE: February 20, 2019

SUBJECT: Ordinance Amending the CODE OF ORDINANCES, Title IV, Zoning Code, Chapter 28, Zoning Ordinance, Article 28-2, Zoning Districts and Allowable Uses, Article 28-5, Supplemental Standards, and Glossary

Background

In July 2018, the City Council adopted a community-wide commitment of 100% renewable energy by 2030 for electricity and 2050 for thermal energy and transportation. Concord's Energy and Environment Advisory Committee (CEEC) is currently working on a strategic plan to meet this commitment, and identified a need to revise the Zoning Ordinance and Site Plan Regulations to provide clarity in the solar development process.

In August 2018, CEEC submitted an outline of proposed ordinance revisions to the Community Development Department. Two public information sessions were held in September 2018 to provide information about the proposed revisions and to solicit feedback from the public. Staff drafted the amendments to the existing Zoning Ordinance to more clearly regulate solar development in the City utilizing the CEEC proposal, the Model Solar Ordinance prepared by the New Hampshire Sustainable Energy Association (NHSEA), and ordinances from several municipalities in the state and northeast region. Staff also met with the NHDES Alteration of Terrain (AoT) Bureau to discuss their solar development guidelines for large scale solar developments.

Staff and members of the CEEC met on several occasions to review and revise the proposed amendments. Staff feels that the draft being presented represents a fair compromise between the CEEC proposal, the Master Plan vision for the City of Concord, and the various stakeholders.

Letters and emails received from members of the public are attached.

Discussion

In summary, the proposed amendments allow solar collections systems as a principal use by Conditional Use Permit (CUP) in all districts except the following Performance Districts: Opportunity Corridor (OCP), Civic (CVP), and Central Business (CBP). Solar collection

systems will be allowed by right as an accessory use (for on-site consumption) in all districts. Supplemental standards to guide the development are also proposed. Staff is also presenting a preliminary draft of revisions to the Site Plan Regulations as additional guidance for the developer as well as providing review guidelines for the Planning Board.

The amendment exempts solar collection systems from the Maximum Lot Coverage calculation, and instead proposes a solar land coverage calculation which utilizes the perimeter of the development (otherwise referred to as the "occupied" area) towards calculations, instead of individual components. While Staff has not found another municipality that utilizes the same method of calculating solar land coverage, we feel that this method is the best way to provide predictability in what the City and property abutters can expect to see when the land is developed. Further, NHDES AoT Bureau utilizes a similar method of determining the area of solar development disturbance for permitting purposes; therefore, staff does not feel that this methodology is unprecedented. See below figures which show how the solar land coverage area will be calculated.

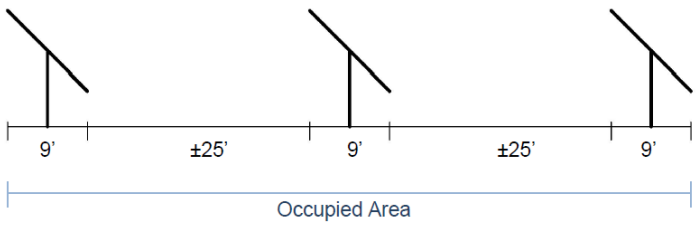

Figure 1. Cross section of standard occupied area determining Solar Land Coverage

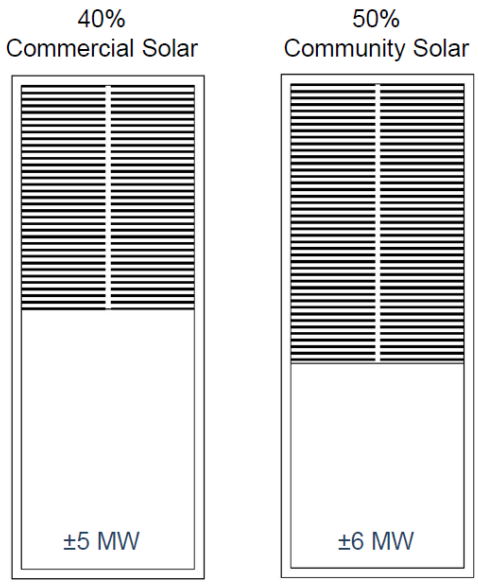

Figure 2. Plan view of Solar Land Coverage, shows a 60 acre parcel in the RO District with setbacks

Staff has received feedback from several parties on the solar land coverage calculations and the percentage proposed for the Residential Open Space (RO) District.

We have received feedback from the CEEC asserting that the area between the solar panels should not be counted towards the calculation since the ±25' grass strip between panels will not be developed. In addition, we have received feedback from the CEEC that the maximum solar land coverage is too restrictive and they would like to see the numbers increased.

The Conservation Commission reviewed the proposed amendment at their January 9, 2019 meeting. Members recommend that a 100' buffer is more reasonable than the 50' proposed in the ordinance. The Commission recognizes climate change is a leading concern of our time, and the Commission supports the goal of eliminating reliance of fossil fuels. However, the City should not compromise the goals of the Open Space Plan and Master Plan as the protection of natural and scenic resources is a fundamental part of Concord's character.

Analysis of Impacts

The changes will allow land owners and solar developers to have more clarity when proposing solar development in the City. By permitting the uses through a CUP, the Board can review the proposed development to ensure it is compatible with adjacent properties and appropriate for the location to protect the public health, safety, welfare and character of the community.

This approach also expands opportunities for community solar development, which will help the City meet the 100% renewable energy goals. By allowing solar collection systems as a principal use in the residential districts, commercial land use will be expanded in these districts.

By limited coverage in certain districts, Staff hopes brownfield and building mount solar development will be incentivized over greenfield development. No change is anticipated regarding existing accessory solar development, except that the amendments will clarify where accessory development is allowed.

Recommendation

Recommend that City Council amend the Zoning Ordinance as follows:

Title IV, Zoning Code; Chapter 28, Zoning Ordinance, Section 28-2-4(j) Table of Principal Use; Section 28-2-4(k) Table of Accessory Use; Section 28-4-1(e) Dimensional Standards, Maximum Lot Coverage; Section 28-4-5, Development of Attached and Multi-family Dwellings; Section 28-4-6, Manufactured Housing Parks and Subdivisions; Section 28-4-7, Cluster Development; Section 28-5-32, Accessory Buildings and Facilities; adding Section 28-5-53, Solar Collection Systems; and Glossary.

A draft ordinance that implements the proposed amendment is attached.