



**Development Services Department**  
1 City Hall Plaza, Ellsworth, ME 04605-1942  
Phone (207) 669-6655  
[www.ellsworthmaine.gov](http://www.ellsworthmaine.gov)

---

## MEMORANDUM

**From:** Janna Richards, Development Services Director  
**To:** City Council  
**Cc:** David Cole, City Manager  
**Date:** March 4, 2020  
**Subject:** Proposed Solar Energy System Regulations/Amendments to Ordinance

### **Background:**

Given recent incentives at the State level to encourage solar power development, City staff anticipate receiving applications to site commercial solar energy systems in Ellsworth. Responding to this prediction and with direction from the City Manager, City staff drafted new land use regulations to help facilitate these applications. In doing so, staff researched available model ordinances, as well as those that have been enacted by other municipalities in Maine. Following procedure, the proposed ordinance amendments to allow for solar and energy storage systems were reviewed by the Planning Board and are now before the Council.

### **Proposed Amendments:**

The proposed amendments are to Chapter 56, the City's Unified Development Ordinance, which regulates land use development in Ellsworth. The amendments would establish standards to regulate the installation, operation, maintenance, decommissioning, and abandonment of solar energy systems and energy storage systems in the City. Proposed amendments to Chapter 56 include:

1. Create additional categories and allowable uses in Article 3, Section 307 Table of Land Uses;
2. Create additional entries in Article 14 Definitions; and
3. Add the following sections to Article 8 Performance Standards:
  - a. Section 823 Solar Energy Systems,
  - b. Section 824 Energy Storage Systems, and
  - c. Section 825 Facility Operations, maintenance, Decommissioning, and Abandonment.

The Table of Land Uses outlines allowable locations in the various zoning districts for the new use types and for essential services, which were not in the table previously. The City's Official

Land Use Map has been included for reference. The definitions include those for solar energy systems and for energy storage systems. Performance standards have been written to help further define and guide the approval process given the unique characteristics of solar energy system and energy storage system projects. Operations, Maintenance, and Decommissioning/Abandonment Plans are also addressed and can pertain to solar and energy storage projects, as well as other types of applicable projects.

**Process:**

The Planning Board held a public hearing and discussed the proposed amendments at their January 8, 2020 and February 5, 2020 meetings. At the February 5, 2020 meeting, the Board made a favorable recommendation to the City Council pending revisions. The Board's suggested revisions were incorporated into the draft that is before the Council. This draft is also currently being reviewed by the City's attorney. We respectfully request that the Council hold a public hearing and act on the proposed amendments to Chapter 56 at their March 16, 2020 meeting.

**Suggested Motion:**

*Move to approve the proposed amendments and additions, as outlined above, to Chapter 56 Unified Development Ordinance, Article 3 Zoning Districts, Article 14 Definitions, and Article 8 Performance Standards, to establish standards to regulate the installation, operation, maintenance, decommissioning, and abandonment of solar energy systems and energy storage systems.*