



Solar Energy – A Tale of Two Cities, in Rhode Island

Pace University School of Law

15th Annual Land Use & Sustainability Conference

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December 8, 2016

RI Energy 2035 State Energy Plan

10/8/2015

- Three major goals
 1. Increase fuel diversity
 2. Produce economy-wide net benefits
 3. Reduce greenhouse gas emissions, by 45% below 1991 levels

RI Energy 2035

- Six strategies to lead by example
- Conduct municipal energy baseline & plan to reduce consumption
- Seek property assessed clean energy (PACE) designated for the community
- Adopt zoning & siting standards for renewable energy projects

RI Energy 2035

- Use expedited application & permit process for renewable energy facilities
- Replace end-of-life municipal-owned vehicles with high fuel efficiency
- Adopt zoning & land use policies that preserve green space promote compact growth

Home Rule in Rhode Island

- Does it benefit or hinder local energy development?



Constitutional Home Rule

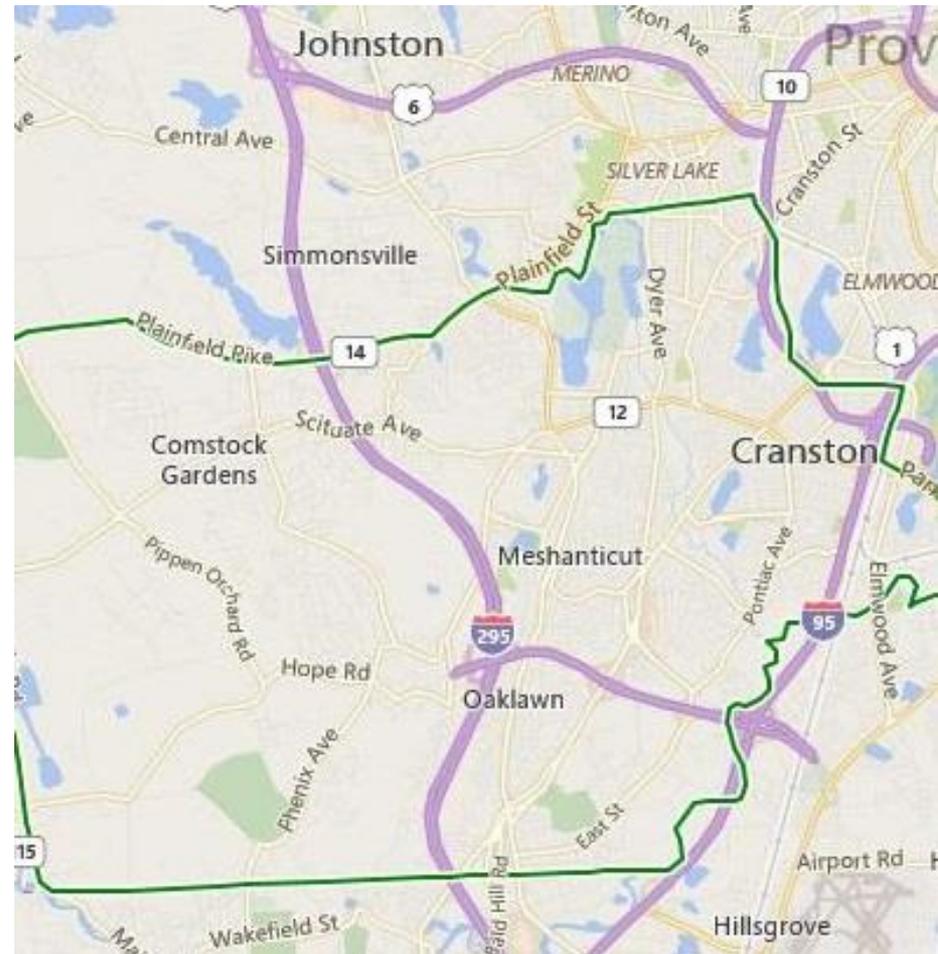
- Established in 1951
- Began when the 28th Amendment to the Rhode Island Constitution was ratified
- The amendment (now the 13th) states:
“It is the intention of this article to grant and confirm to the people of every city and town in this state the right of self government in all local matters.”



**Hope Farm, Cranston, RI
Proposed 10 MW**

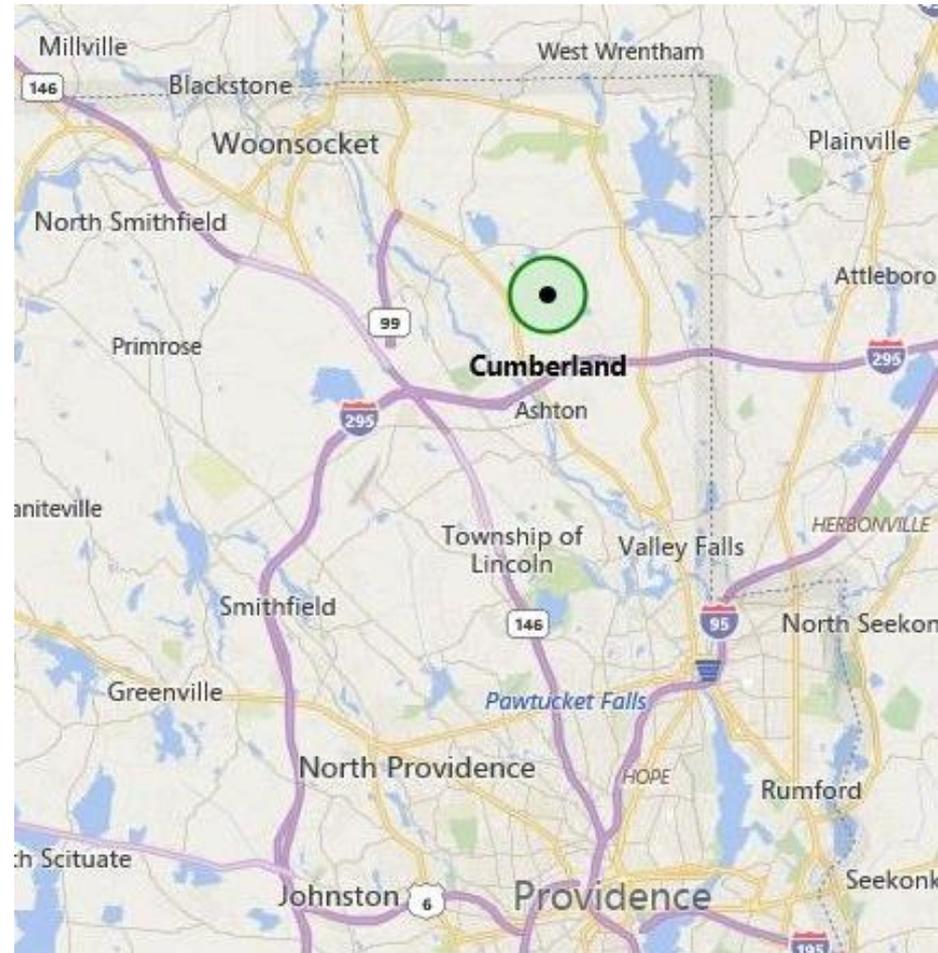
Cranston, RI Solar Development Guidance & Perspectives

- Solar allowed “by right” – 80,000 SF in RR & Industrial
- Impacts & mitigation case by case basis
- Solar preferable – no municipal services, education, etc.
- “Solar meets the definition of a development”
- Visual is an issue – becomes part of the landscape
- Including energy in revised comprehensive plan

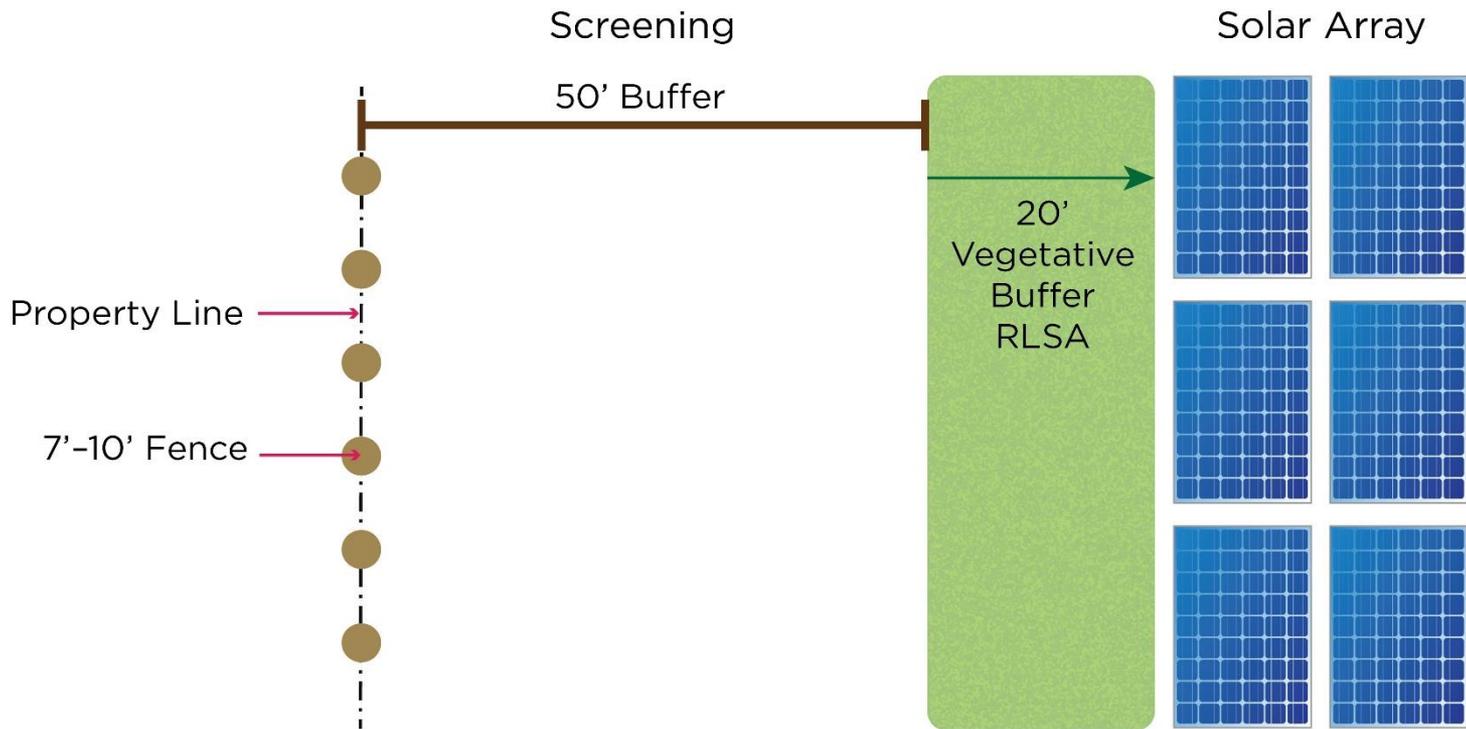


Cumberland, RI

- Taking an active planner's approach to solar proposals
- New ordinance enacted; three (3) new categories of installations
 1. **Major** – allowed only in industrial & agricultural zones; 75 acres & not more than 20% of property (vegetative buffers required)
 2. **Medium** – large commercial & industrial sites for their own energy; not allowed in residential
 3. **Minor** – residential rooftop & small scale installations



Cumberland, RI Solar Ordinance – Unique Provisions



A photograph of a dense, green forest. In the foreground, a wooden bridge with a railing spans across a stream. The water is calm and reflects the surrounding trees and foliage. The trees are tall and have thick canopies, creating a dappled light effect on the ground and water. The overall scene is peaceful and natural.

The Woodlands is a master-planned community in Texas that incorporated environmental design principles promoted by Ian McHarg.

Ian McHarg

- Scottish landscape architect & renowned writer
- “Design with Nature” written in 1969 – pioneered concept of ecological planning

Solar/Agricultural Issues



Programmatic Environmental Impact Statements

- Promoted by Council of Environmental Quality (CEQ)
- Provides major benefits to identify key issues & meet statewide needs
- Can help to balance state & local interests and protect home rule

Solar Programmatic Environmental Impact Statement (Solar PEIS)

- Purpose is to:
 - Identify “a need to respond in a more efficient and effective manner to the high interest in siting utility-scale solar energy development on public lands and to ensure consistent application of measures to mitigate the potential adverse impacts of such development.”
 - Potentially replace certain elements of existing solar energy policies with comprehensive Solar Energy Program.

FES 12-24 • DOE/EIS-0403

Final Programmatic Environmental Impact Statement (PEIS) for Solar Energy Development in Six Southwestern States

Executive Summary

(Electronic copies of the Draft and Final Solar PEIS included)

July 2012

Bureau of Land Management
U.S. Department of Energy



Conclusions

- RI has allowed Home Rule charter to discourage comprehensive approach to solar development
- Diversity of local zoning ordinances siting a case by case basis
- Based on current experience, solar development will occur at select locations
- A programmatic approach to statewide siting could provide an important method to advance state goals

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