

## Staff Report

**Petition:** Zoning Text Amendment 10-05 NHCO  
**Applicant:** Northampton County Planning Commission  
  
**Staff Reviewer:** Sandra G. Benson, AICP  
**Date:** April 26, 2010

### General Information/Background

The Northampton County Planning Commission proposes to amend Northampton County Code §154.084 *Statements of Intent for Floating Zone Districts*, specifically subsection (B); and §154.175 *Floating Districts* and also to add a new §154.179 *Solar Energy District (SED)*.

In December 2009, the Planning Commission and Board of Supervisors conducted public hearings on a proposed zoning text amendment to amend the Northampton County Zoning Ordinance to include a new Section 154.113 entitled “Standards for Solar Energy Facilities,” and to amend Appendix A, Use Regulations, Category 4 Community Service Uses, to add “Solar Energy Facility, Small System” and “Solar Energy Facility, Large Scale.” At that time the Planning Commission forwarded recommendations to the Board that included a recommendation that a floating district be created to address large-scale solar energy facilities. The Board’s subsequent action to adopt a text amendment to accommodate solar energy facilities did not include action on the recommendation to create a new floating district.

The text that had been drafted and adopted in an amended form was deficient in that it did not address the lot coverage requirement, which would effectively preclude the development of large-scale facilities in the Agriculture/Rural Business District where large acreage tracts desirable for such development are principally located. In response to the need for additional zoning text amendments, the Planning Commission developed the proposed floating district which, among other things, would eliminate the lot coverage requirement for large scale solar energy facilities.

### Staff Comment

These comments will focus on pros and cons of the proposed floating district approach to solar development, vis-à-vis the adopted special use permit process.

#### Pro

- Eliminates the lot coverage requirement and provides for greater density of panels while eliminating the necessity of defining perviousness and imperviousness specifically for this use.
- Allows through one application process, rather than requiring separate applications for parcels owned by different owners, for a comprehensively-planned project that may be constructed on contiguous parcels of land, provided that the parcels are under unified control although not necessarily owned by one owner.
- Provides a stormwater management standard that would eliminate runoff from a site, thereby protecting other properties and nearby waterways from any sediment and/or water-borne nutrient pollution.
- Provides a vegetation requirement that will assist with both stormwater uptake and water infiltration on the site.
- Provides uniform standards for each such development.

## Con

- Rezoning will restrict uses of the rezoned area to the solar installation and its associated accessory structures and transmission facilities.
- At such time as a solar installation becomes defunct, rezoning will be required to restore other uses to the property.
- The stormwater retention standard may discourage owners of property with natural drainageways from considering such a project, since the water naturally flowing onto the site would have to be retained onsite. It should be noted that it is important to preserve the function of natural drainageways, both to prevent flooding on the properties which they drain and also to allow that water to continue to “feed” downstream properties and waterways.
- Requires adherence to standards that may not be necessary due to unique features of a given site.

In the absence of any project specifications, it is difficult to predict and impossible to determine with specificity what volume of runoff could be expected from a given project. Since this type of development is relatively new in the United States and regulatory models are lacking, this may be a situation where experience will dictate whether future amendments are required in local zoning regulations. If there is error, from an environmental standpoint it perhaps would be prudent to err on the side of caution to ensure water quality protection.