

February 14, 2018 continued to March 14, 2018

Project Re:Code

County Issues Working Group

Solar/Energy Discussion Outline

Text shown in gray discussed on February 14, 2018

Guiding Principle: Filling the Void

1. MT Sun LLC

a. Brief background

- According to the zoning code “Utility, public” is defined as “A private business organization performing some public service and subject to special governmental regulations or a governmental agency performing similar public services, the services by either of which are paid for directly by the recipients thereof. Such services shall include, but are not limited to, water supply, electric power, gas and transportation for persons and freight.”

- Utilities are an allowed use on land zoned Agricultural Open per Section 27-305 of the Yellowstone County Zoning Regulations.
<http://www.co.yellowstone.mt.gov/planning/zoning/YellowstoneCountyZoningCode.pdf>

- A special review is not required for utilities on land zoned as Agricultural Open. Utilities are defined in Section 27-200 of the Yellowstone County Zoning Regulations.

- Are solar panels utilities?
 - Stations: Lack of a definition, Transmission of energy versus generation of energy?
 - Section 305 vs. Section 306
 - 305 stations only, allowable
 - 306 Production, manufacture and generation, electric or gas, Special Review (CI and HI)
 - BOA determines to reverse the administratively issued Zoning Compliance Permit and determine this use is not allowable on lands zoned Ag Open.

2. Solar Through the Years

<https://www.energy.gov/maps/utility-scale-solar-through-years#buttn>

3. What is it

a. Solar Photovoltaic, Solar Thermal

https://www.eia.gov/energyexplained/index.cfm?page=solar_photovoltaics

https://www.eia.gov/energyexplained/index.cfm?page=solar_thermal_power_plants

- b. Solar Farm
 - c. Roof Mounted
- 4. Solar as a Commercial Use
- 5. Solar as a Residential Use
 - a. Roof Mounted Systems
- 6. Ordinances Can Consider:
 - a. Allowable by Right or Allowable by Special Review
 - b. Parcel Line Setbacks
 - c. Height Limitations
 - d. Aviation Notification (requires airport or FAA notification if project is within 5 nautical miles of an airport)
 - e. Visibility (requirements regarding visual buffering, security fencing, public signage, and lighting)
 - f. Decommissioning (requires a decommissioning plan for the project)
- 7. Ordinance Examples
 - a. https://nccleantech.ncsu.edu/wp-content/uploads/NC-Template-Solar-Ordinance_2016.pdf
 - b. <https://www.ci.missoula.mt.us/DocumentCenter/View/41522>
- 8. Is this just about Solar? Alternative Energy
 - a. Wind Energy
 - i. <http://deq.mt.gov/Energy/renewableenergy/resourcesandtechnology/Wind/windprojectsmt>
 - ii. <http://deq.mt.gov/Energy/renewableenergy/resourcesandtechnology/Wind/localgov>
 - iii. http://co.carbon.mt.us/wp-content/uploads/2016/08/Res-2016-14_Development-Regulations.pdf
 - iv. <https://www.umt.edu/law/academics/clinics/Regulation%20of%20Wind%20Farms%2005%2029%202012.pdf>
 - b. Geothermal Installations
 - i. https://www.geothermal.org/PDFs/Final_Montana.pdf
 - c. Bio-Mass
 - i. https://www.eia.gov/energyexplained/?page=biomass_home