

**TOWN OF ORONO**

**MORATORIUM ORDINANCE  
RE: LARGE-SCALE SOLAR FACILITIES**

WHEREAS, large-scale solar facilities (as herein later defined) and residential solar panel collection systems installed and operated by individual landowners for their own personal use are currently regulated in the same manner under the Orono Land Use Ordinance; and

WHEREAS, the Orono Town Council finds that large-scale solar facilities have a significantly greater impact on neighboring land uses, property values, and the public's health, safety, and welfare, when compared to residential solar panel collection systems; and

WHEREAS, the Orono Town Council finds that, given the differences between residential solar panel collection systems and large-scale solar facilities, the Orono Land Use Ordinance currently lacks appropriate regulations and controls over large-scale solar facilities, such as construction standards, siting and locational requirements, development standards, performance standards and safety standards, which would ensure that such facilities are placed only in locations where they will be compatible with neighboring land uses and will not have adverse impacts or negative effects on other land use activities or property values; and

WHEREAS, the Orono Town Council finds that the development of large-scale solar facilities pursuant to the existing Orono Land Use Ordinance would pose serious threats to the public health, safety, and welfare of the residents of Orono through the over-development of parts of Town with such facilities without adequate provisions for issues of safety and land use compatibility; and

WHEREAS, the Town Council adopted a Moratorium Ordinance applicable to large-scale solar facilities on July 13, 2020 (Council Order #20-121), which Moratorium Ordinance expired on January 9, 2021;

WHEREAS, the Town Council hereby determines that the matters giving rise to the moratorium still exist;

WHEREAS, the Town Council hereby determines that reasonable progress is being made to alleviate the problems giving rise to the need for the moratorium, but that the Town will need an additional 180 days to develop and adopt the necessary and appropriate amendments to the Orono Land Use Ordinance to establish reasonable standards for the location, siting, design, construction, and development of large-scale solar facilities within the Town of Orono; and

WHEREAS, the Orono Town Council finds that the foregoing facts create a necessity within the meaning of 30-A M.R.S. §4356(1)(B).

NOW THEREFORE, the Town of Orono hereby ordains the following:

## MORATORIUM ORDINANCE

Section 1. Authority. This Ordinance is enacted pursuant to the authority vested in the Town of Orono pursuant to 30-A M.R.S. §3001, 30-A M.R.S. §4356, and the Town Charter of the Town of Orono.

Section 2. Purpose. The purpose of this Ordinance is to allow municipal officials a reasonable time to review the existing Orono Land Use Ordinance and to develop and adopt any necessary or appropriate amendments thereto in order to provide for the adequate regulation of large-scale solar facilities in the Town of Orono.

Section 3. Moratorium. There shall be a moratorium on the issuance of any permits, licenses, or approvals for the placement, erection or construction of any large-scale solar facility within the Town of Orono. During the period of time this Ordinance is in effect, or is applicable, no person or entity shall erect, construct or locate any large-scale solar facility in the Town of Orono.

Section 4. Review By Officials. During the period of time this Ordinance is in effect, or is applicable, no official or board of the Town of Orono, including but not limited to, all building and code officials, the Planning Board, and the Zoning Board of Appeals, shall receive, accept, act upon, approve or issue any permits, licenses, approvals, or variances for the placement, erection or construction of any large-scale solar facility within the Town of Orono.

Section 5. Applicability. Notwithstanding anything to the contrary in 1 M.R.S. §302, this Ordinance shall apply to all proceedings, applications, petitions and proposals that are pending or commenced on or after April 17, 2020.

Section 6. Duration. This Ordinance shall continue in full force and effect until July 8, 2021, unless extended by the Orono Town Council pursuant to 30-A M.R.S. §4356.

Section 7. Definitions. For the purposes of this Ordinance, the term “large-scale solar facility” shall mean any installation of solar panels, equipment and/or buildings or structures undertaken for commercial purposes with an intention of generating power from the sun and converting such power into electricity for resale to or by a third party (which does not include any individual or business that directs such produced energy back into the public grid solely to off-set their own energy consumption). Large-scale solar installations specifically do not include any solar panel collection system or array undertaken by individual landowners, householders, or farmers for their own personal use or the use of a business owned by them.

Section 8. Severability. If any portion of the Ordinance shall be declared invalid by a court of competent jurisdiction, it shall not affect any other provision of this Ordinance.