

# LOCAL LAW

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## Town of Seneca

Local Law No. 2 of the year 2018.

A Local Law Amending Section 92 of the Zoning Law of the Town of Seneca Pertaining to Regulations Applicable To Solar Energy Systems.

Be it enacted by the TOWN BOARD of the Town of SENECA as follows:

### **Section 1.**

It is the purpose of this Local Law to amend the regulations contained in Section 92 of the Zoning Law of the Town of Seneca entitled Solar Energy Systems relevant to solar systems or farms and agricultural operations.

### **Section 2.**

It is the further purpose of this Local Law to amend the regulations contained in Section 92 of the Zoning Law of the Town of Seneca entitled Solar Energy Systems relevant to financial assurance by a site developer for the removal and/or de-commissioning of any solar project at the end of its life.

### **Section 3.**

Sub-paragraph D of that Paragraph entitled “Solar Collectors and Installations For Major Systems or Solar Farms” is hereby amended to adopt and add the provision that “all major solar collector systems or solar farms approved after January 1, 2018 shall only be permitted on land which is or has not at any time after January 1, 2013 been utilized for the production of agricultural products or for the grazing of animals as part of an agricultural operation”.

### **Section 4.**

Sub-paragraph D of that Paragraph entitled “Solar Collectors and Installations For Major Systems or Solar Farms” is hereby amended to adopt and add the following provision:

Major solar systems or farms constructed on property owned by a bonafide agricultural operation that are used for supplying electric energy solely for the agricultural operation are exempt from the 16MW cap and exempt from the required de-commissioning bond. Solar systems or farms

identified in this paragraph may be located on any portion of the parcel owned by the bonafide operation.

**Section 5.**

Paragraph 5 entitled “Abandonment” sub-paragraph (g) is hereby revoked.

**Section 6.**

A new sub-paragraph (g) to Paragraph 5 entitled “Abandonment” is hereby adopted and added to read and provide as follows:

(g) Assurance must be provided to the Town that funding is available for the removal of the system at the end of its life. The Town Board will consider, at its sole and absolute discretion, the following options for financial assurance when presented by a site developer:

1. The site developer shall purchase a bond equal to 10% of the project installation cost prior to permits being issued for any solar project. The bond shall be in place for the life of the facility and shall be used to fund the decommissioning of the facility in the event it is abandoned.

2. Letter of surety or credit as approved by the Town Board.

3. The site developer shall create an escrow account at a local financial establishment and shall deposit 2% of the cost of development each year for the first five years of operation to total 10% of the installed cost in the account. This account will name the Town as an owner of the account and require town approval to release any funds for decommissioning or to release all funds to the authorized party once the solar farm has been decommissioned, site restored, and inspected and approved by the Town Code Enforcement Officer and Town Board. The purpose of this escrow account shall be to create a cash account in lieu of a Bond to provide security for the full and complete de-commissioning of the solar farm and restoration of the site and is not intended to be used for the decommissioning and restoration costs of the site unless there is a default in the site developer’s obligation to decommission the system and restore the site in which case the town may use the escrow account for such purposes. The establishment of the escrow account shall not limit the liability of the developer to decommission the system and restore the site so that the developer shall remain liable for all costs involved in such decommissioning and restoration in the event that the escrow account is not sufficient to cover these costs.

**Section 7.**

This Local Law shall take effect upon its adoption and filing as required by Law.