



CONSIDER STAFF RESPONSE TO ENVIRONMENTAL STEWARDSHIP ADVISORY BOARD ROOFTOP SOLAR PETITION

STAFF REPORT

John Richardson, Community Resilience Officer
 Ralph Karpinos, Town Attorney

<p>PETITION TOPIC Rooftop solar on new development or renovations in Chapel Hill</p>	<p>PETITIONER Environmental Stewardship Advisory Board</p>
<p>STAFF'S RECOMMENDATION That the Council consider the attached legal opinion and provide feedback to the Manager about any additional steps that should be taken.</p>	
<p>PETITION PROCESS</p> <ol style="list-style-type: none"> 1. The Council receives a petition from a Council Member, a Town Advisory Board or a member of the public. 2. The Council takes action to receive the petition and establish a course of action for further review. 3. If the petition is referred to a Town board or the Town Manager, a response to the petition is developed for the Council's consideration. 4. The Council provides additional direction to the Town board or Town Manager, as deemed appropriate. 	<p>DECISION POINTS</p> <p>Ask the staff to develop options that would:</p> <ul style="list-style-type: none"> • Expand the Council's current Energy Policy for rezonings to include rooftop solar; or • Amend the conditional use zoning sections of the Land Use Management Ordinance (LUMO) to include incentives for rooftop solar and possibly other energy efficiency measures. <p>Either of the options above could be addressed as part of Climate Action Plan implementation.</p>
<p>PETITION OVERVIEW</p> <p>On December 5th, 2018, the Environmental Stewardship Advisory Board (ESAB) submitted a petition (attached) asking the Council to consider that all new building construction and renovations in Chapel Hill which require a rezoning with a Special Use Permit be required to install roof-mounted solar energy systems over at least 80% of eligible roof areas.</p> <p>The petition included a list of detailed stipulations and referenced North Carolina General Statute § 160A-383.4. <i>Local energy efficiency incentives</i>.</p> <p>BOARD RECOMMENDATION</p> <p>On March 12, 2019, the ESAB reviewed and discussed a draft of this memorandum, including the possible decision points above and the legal opinion. The Board voted unanimously (7-0) to: (1) recommend that the Council modify the existing energy policy to include an expectation that developers provide roof-mounted solar in accordance with the petition; and (2) that this action inform how a future ordinance change might be formulated to incorporate incentives.</p>	<p>LEGAL OPINION</p> <p>Because the Environmental Stewardship Advisory Board cites North Carolina General Statute § 160A-383.4. <i>Local energy efficiency incentives</i> as the basis for its petition to Council, the Town Attorney was asked to provide a legal opinion.</p> <p>The attached legal opinion outlines the Council's options. One option is to expand the Council's current Energy Policy for rezonings with special use permits (attached) to include rooftop solar. In this way, applicants seeking a conditional use rezoning or a rezoning to a conditional use district could commit to rooftop solar—in addition to energy efficiency—and this could be cited as the Council's basis for granting such a rezoning. This option is estimated to take 2-3 months and requires an update to the existing Council resolution (attached).</p> <p>The second option would be to amend the conditional use zoning sections of the LUMO to establish incentives that could be granted at the Council's discretion in exchange for rooftop solar or other energy conservation measures. The text amendment process is estimated to be longer (typically 4-6 months) and requires additional research into calibrated incentives for rooftop solar.</p>
<p>ATTACHMENTS</p>	<ol style="list-style-type: none"> 1. Draft Staff Presentation 2. Environmental Stewardship Advisory Board Petition 3. Town Attorney's Legal Opinion 4. Council Energy Policy for Rezonings