

Solar Policy Update

Meeting Clean Energy & Open Space Goals

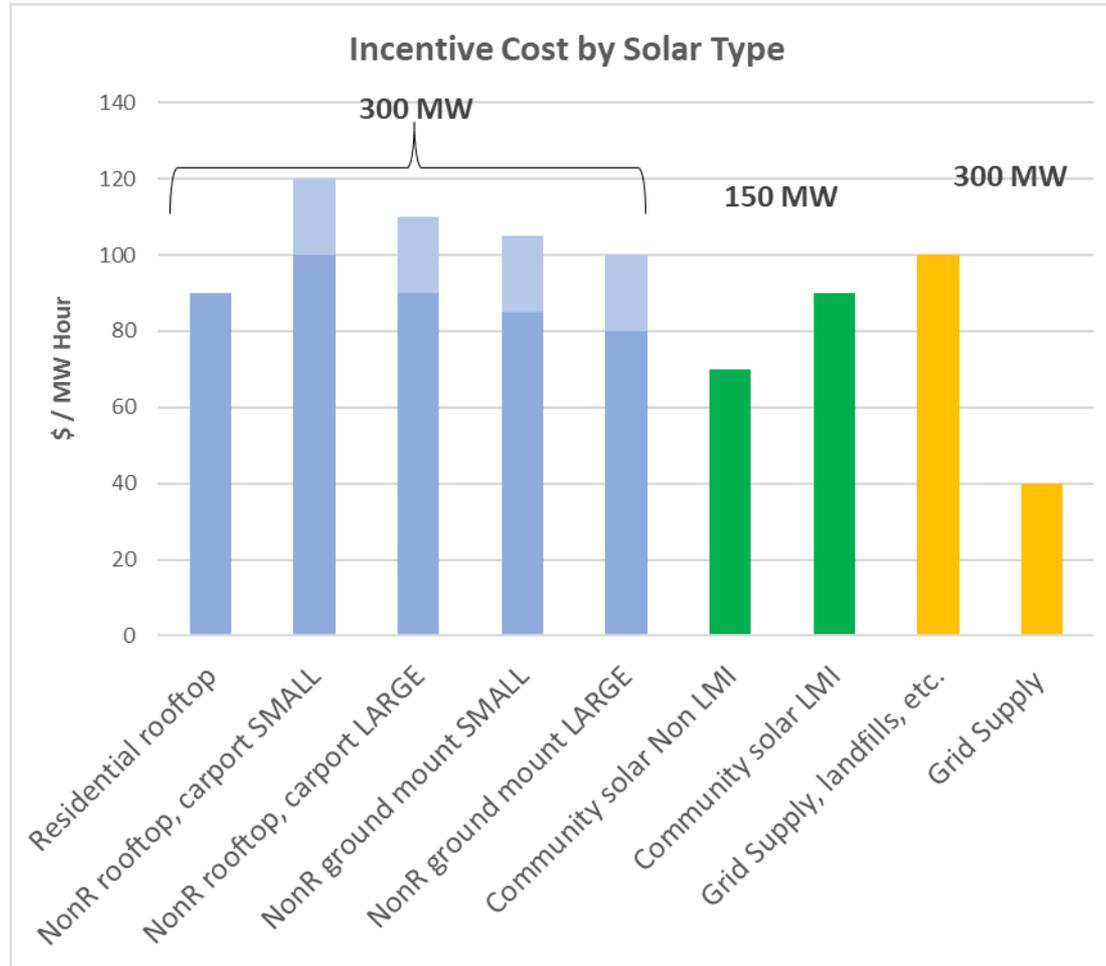
Tom Gilbert, Campaign Director, NJ Conservation
Rethink Energy NJ



Solar in New Jersey

- New Jersey currently ranks 7th nationwide in installed solar photovoltaic (PV) capacity, with 3.3 GW installed as of early 2020
- NJ needs a judicious mix of low-cost regional clean energy resources, which maximize GHG emission reductions, and well-sited in-state solar
- Recent policies are reducing costs, expanding solar, addressing siting
- With sound policy and planning, we can meet our clean energy goals without sacrificing our open space and farmland goals

Solar Targets & Costs



Community Solar

- Makes solar available to renters, multi-family housing
- Benefits LMI communities
- First year: 75 MW Second year: 150 MW
- Prioritizes projects on brownfields, landfills, parking lots and rooftops
- Penalizes projects on farmland, forests

Solar Siting

Utility-scale solar law (S2605) siting provisions exclude:

- Prime/SWI soils in ADAs (allows 2.5%, waiver up to 5%)
- Forests
- Highlands Preservation
- Pinelands
- Freshwater wetlands
- Green Acres
- Preserved farmland



Issues for Local Govts

- Large projects proposed on prime farmland, forests
- **Inherently Beneficial Use**
Includes “solar or photovoltaic energy facility or structure” (MLUL, sec. 4)
presumptively satisfies “positive” criteria for variance, must still meet “negative criteria”

To meet “negative criteria,” applicant must show variance can be granted “without substantial detriment to the public good” and “will not substantially impair the intent and purposes of the zone plan and zoning ordinance”
- Importance of master plan and zoning

Issues for Local Govts

Dual-Use Solar Legislation:

- A5434 defines “dual use solar energy project” as “the energy generation facilities...**located on unpreserved farmland in agricultural or horticultural production...**”
- A5434 - Section 1.f.: “Notwithstanding any law, ordinance, rule, or regulation to the contrary, a dual-use solar energy project approved pursuant to this section shall be a **permitted use within every municipality.**” (Not in every zoning district)
- In zoning districts where dual-use solar energy projects are not a “permitted use,” developers could still seek a variance from the zoning board under MLUL.

Issues for Local Govts

Dual-Use Solar Legislation:

- A5434: approved dual-use solar projects must still comply with all applicable local ordinances (sec. 1.b.(7) and 1.c.(2)). E.g., site plan ordinance.
- A5434 (sec. 1c.(1)): “...in reviewing and making decisions on dual-use solar energy projects, the board [of public utilities] and secretary [of agriculture] shall give consideration to criteria including, but not limited to:...(e) proposals for minimizing negative impacts to farmland;...(g) proposals for addressing stormwater runoff and other environmental issues”



Going Renewable Can't Wait.

Tom Gilbert- tom@njconservation.org

www.rethinkenergy.org

Twitter:

[@rethinkenergynj](https://twitter.com/rethinkenergynj)

Facebook, Instagram + YouTube:

[rethinkenergynj](https://www.facebook.com/rethinkenergynj)

