April 12, 2017 Testimony of Scott Millar
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Submitted to the House Committee on Municipal Government
in opposition to House Bill 6062

Grow Smart Rhode Island supports the concept of encouraging renewable energy on farms. We also support allowing accessory business uses on farms and forests. We are currently providing technical assistance to towns to amend their zoning ordinances to encourage accessory business uses on farm and forest land. We clearly understand the need for farm and forest land owners to be able to generate supplemental income from their land to help sustain these working landscapes. However, we do not support House Bill 6062. We do support small scale renewable energy facilities on farms, with appropriate performance standards, that do not impair agricultural production. However, we do not support taking agricultural land that can yield fresh safe food for Rhode Islanders, out of production to generate power that this bill could encourage. Moreover, we do not support the clearing and further fragmentation of forest land that can negatively impact important resources such as our drinking water, habitat and wood products economy, to supply power. Rhode Island needs power and the increase of renewable energy is an important objective. But there are many existing sites in Rhode Island that have already been developed or that are zoned for industrial or commercial use that can be used to support large scale renewable energy. We need renewable energy but not at the expense of losing our farms and forests. The following are our specific comments:

1. 45-24-37 currently mandates all Rhode Island communities to allow four uses in residential zoning districts. These uses are: households, community residences, family day care homes and plant based agriculture. All of these uses are logical and farms were already located in residential zones. Even though communities are required to allow these four uses they are not restricted in how these uses can be regulated through local zoning standards. The proposed amendment to 45-24-37 will add renewable energy facilities to the list of uses cities and towns must allow, which does not appear to be a logical fit in a residential zone. Moreover, there are no limits on the size or scale of these energy facilities so it’s possible the facilities can become large industrial scale. Unlike the four existing uses towns must currently allow, communities will be restricted in how they can use their land use authority to control energy facilities.

2. There are no reasonable limits on the size or scale of the renewable energy facilities that would be allowed by right beyond the 20% lot coverage. Therefore a 100 acre parcel could have a 20 acre energy facility, which is a large scale that does not seem appropriate for an accessory use. At a minimum, there should be appropriate limits on the amount of kilowatts generated to limit the scale of these proposed facilities. The land owner should be able to sell some power back to the grid but not generate power at an industrial scale in a residential zone, without city or town approval.
3. Renewable energy facility is defined very broadly and includes heat, wind, biomass, fuel cell and waste to energy that may not be appropriate in residential zones, particularly with no limits on energy to be generated.

4. Farms are defined very broadly and would allow renewable energy facilities on any parcel greater than 15 acres.

5. There is no limitation to prevent prime farm land from being taken out of production which is not consistent with the State Land Use Plan.

6. There is nothing to prevent the fragmentation or clear cutting of forest, which is also inconsistent with the State Forest Management Plan and the State Wildlife Action Plan.

7. The siting requirements in 2-23.3-4 (b) do not address the scope of issues covered by existing town ordinances including but not limited to: screening to avoid objectionable views from public roads, building size limits, financial surety, emergency access, lighting, and facility specific setbacks. Moreover, since renewable energy is defined very broadly, it is impossible to know what other standards may be needed to control different types of renewable energy facilities that would be allowed by this bill. We are concerned that proposals that lack clear performance standards for expansion of allowed uses on farms/forest could create a ground swell of grass roots opposition that would undermine the whole drive to increase the range of activities farmers are allowed to pursue on their land. We recommend that performance standards to control renewable energy facilities be prepared by a broad based stakeholder group to insure the standards are reasonable but effective. These standards should not be established in statute so they can be revised, as needed, to address site specific or facility specific needs.

8. 2-23.3-4 (b) (3) (i) requires that the facility be subject to site plan review. This should be revised to Development Plan Review. However, this bill limits this review to the standards listed in the bill that do not seem adequate for all renewable energy facilities.

9. Page 4 line 18. We support the requirement for a vegetated buffer but a height and width should be specified.

Thank you for the opportunity to comment.

Respectfully Submitted,

Scott Millar

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Manager Community Technical Assistance