

MEMORANDUM

KENT COUNTY DEPARTMENT OF
PLANNING SERVICES
555 BAY ROAD
DOVER, DELAWARE 19901



TO: Regional Planning Commission

FROM: Sarah E. Keifer, AICP, Director, Department of Planning Services

DATE: August 11, 2022

SUBJECT: Ordinance LC22-16 – Community Solar Facilities Amendment

Attached, please find ordinance LC22-16 proposing an amendment to the definition of Community Energy-Generating Facility. The current definition is specific to services areas of utilities under the regulation of the Public Service Commission (PSC) which automatically excludes areas served by the Delaware Electric Cooperative. As revised, the ordinance would rely on the 50-acre size limit rather than oversight by the PSC:

COMMUNITY ENERGY-GENERATING FACILITY

A renewable-energy-generating facility, no larger than 50 acres in size, [located in the service area of a utility under the regulation of the Public Service Commission,] that serves multiple customers who share the output of the generator, which may be located either as a standalone facility or behind-the-meter of a participating owner or customer. The facility shall be interconnected to the distribution system and operated in parallel with an electric distribution company's transmission and distribution facilities.

This ordinance is scheduled for public hearing on September 1, 2022. Please do not hesitate to contact me with any questions in advance of the meeting.

Thank you.

INTRODUCED BY: Joanne Masten
DATE INTRODUCED: August 9, 2022
PUBLIC HEARING DATE: September 27, 2022
PUBLIC HEARING TIME: 7:00 p.m.
ADOPTION DATE: _____
EFFECTIVE DATE: Upon Adoption

**Ordinance LC22-16
Community Solar Definition**

An Ordinance to amend Kent County Code, Vol. II, Chapter 205, Zoning, as amended by revising Article II Definitions, §205-6 Definitions to delete the reference to regulation by the Public Service Commission in the definition of Community Energy-Generating Facility and add the maximum size of 50 acres.

THE LEVY COURT OF KENT COUNTY, DELAWARE, HEREBY ORDAINS:

Section 1. That the Kent County Code, Vol. II, Chapter 205, Article II Definitions, §205-6 Definitions is hereby amended by deleting the following bracketed language shown with strike-through marks and adding the following underlined language:

COMMUNITY ENERGY-GENERATING FACILITY

A renewable-energy-generating facility, no larger than 50 acres in size, [~~located in the service area of a utility under the regulation of the Public Service Commission,~~] that serves multiple customers who share the output of the generator, which may be located either as a standalone facility or behind-the-meter of a participating owner or customer. The facility shall be interconnected to the distribution system and operated in parallel with an electric distribution company's transmission and distribution facilities.

Section 2. Effective Date.

This Ordinance shall be effective upon the date of adoption.

ADOPTED BY THE LEVY COURT OF KENT COUNTY,
DELAWARE

President, Kent County Levy Court

This ____ day of ____, 2022

ATTEST: _____
Clerk of the Peace

Synopsis: The ordinance deletes the reference to regulation by the Public Service Commission in the definition of Community Energy-Generating Facility and adds the maximum size of 50 acres.