

Section 1. Findings

The Town Board of the Town of Dix makes the following findings:

- (a) There are multiple commercial-scale solar energy development projects being considered for siting within the Town of Dix, and the Town Board anticipates that more such projects will be sited in the Town.
- (b) The Town has adopted a Solar Law (Local Law No. 1 of 2019) (the “Solar Law”) as a supplement to the Town’s zoning ordinance to guide and control development of solar projects within the Town.
- (c) While commercial-scale solar energy development projects may benefit the Town, they also will impose costs such as requirements for infrastructure additions or improvements, environment impacts, needs for new and/or enhanced public safety and emergency services response, ascetic and quality of life concerns, loss of farmland, erosion of tax base and other foreseen and unforeseen impacts.
- (d) Existing revenue sources are not sufficient to fund and/or offset the detrimental impacts of commercial-scale solar development in the Town.
- (e) It is desirable for the Town to supplement the Solar Law to provide for a requirement that developers of commercial-scale solar energy projects enter into an agreement with the Town prior to commencement of operation of such facilities to ensure that such developers provide for an ongoing level of support, care and maintenance of the facilities during their useful life, pay to the Town a fee as shall be determined to be necessary to offset the costs and impacts to the Town incident to a facility’s development and/or operation, and to address such other matters as are determined by the Planning Board and/or the Town Board to be necessary or advisable conditions to the development of any such facility. Such an agreement is herein after referred to as a “Host Community Agreement.”
- (f) The Town is authorized to adopt this local law pursuant to Municipal Home Rule Law section 10(1)(i)(a)(9-a), (11) and (12).

Section 2. The Solar Law is amended to add a new section 11-A, to read in its entirety as follows:

11-A. Host Community Agreement

Prior to the issuance of a building permit for any Tier 3 Solar Energy System, the developer of the Tier 3 Solar Energy System shall enter into a Host Community Agreement with the Town of Dix. The Host Community Agreement shall:

- A. Contractually obligate the developer to comply with any terms and conditions of any special use permit approval of the Planning Board;

B. Provide for payment by the developer to the Town of an impact fee to be used and applied by the Town to pay for and/or offset the costs and impacts incurred by and/or arising due to the development and/or operation of the Tier 3 Solar Energy System. The amount of such impact fee shall be established by the Town Board by resolution adopted from time to time, based upon the amount of energy produced by the project and such other factors as the Board shall determine;

C. Provide for such other contractual requirements as may be necessary given the specific elements of a particular project; and

D. In the event that the developer and/or owner of the project shall enter into an agreement with the Schuylers County Industrial Development Agency to provide for an abatement in real property taxes or other tax exemption or abatement, be cross-defaulted with the agreements between the developer and/or owner and the Schuylers County Industrial Development Agency.

Section 3. The Solar Law is hereby further amended as follows:

The last sentence of section 8(H)(3)(a) is deleted.

Section 4. The invalidity or unenforceability of any provision, clause or phrase of this local law, as declared by the valid judgment of any court of competent jurisdiction, shall not affect the validity or enforceability of any other provision, clause or phrase, which shall remain in full force and effect.