



Community Solar Zoning Text Amendment

Feedback & Responses by Topic

Topics in this document are presented by topics/groupings in the proposed concept bullets (December 15, 2021). Feedback received (by the Planning Commission, Brenda Dinne, or forwarded by a Board member) during the Planning Commission review process is summarized under the appropriate topic, along with the associated response. Responses reflect any additional revisions made to the text to date through this process.

☀ Definition:

☀ Definition given in Maryland Public Utilities Code § 7-306.2 as of July 1, 2020.

Feedback:

- The amendment should also allow Aggregate Net Energy Metering (ANEM) for projects specifically designed to benefit the agriculture industry, nonprofits and local governments (PUC 7-306; COMAR 20.50.10.07). These projects are also subject to the 2MW size limit.

Response:

- *Staff is still investigating what is involved with ANEM. The issue will be discussed with the Board and could be added at that time. If ANEM is added, it will be subject to all of the same requirements as CSEGS and will have no visible differences on the ground.*

☀ Location:

- ☀ Principal permitted on remaining portions in “A” Agricultural District.**
- ☀ 20-acre maximum for solar usage.**
- ☀ Only existing remaining portions at date of ordinance are eligible. Cannot create non-residential lot/tract for purpose of solar development.**

Feedback:

- Restricting the eligible properties to just remaining portions restricts the ability of some landowners to host community solar on their property.
- Many factors contribute to the successful solar development. They cannot all be accounted for in the zoning code. Solar companies should be able to use their own expertise to find viable sites rather than the zoning code determining sites.
- Does not provide opportunity for other farms where the facility could be located out of sight of the road.
- Agree with restricting to existing remaining portions only.

Response:

- *The Board specifically directed staff to draft this amendment to apply to remaining portions only. The intent of the Board is to start small with opening up solar to areas other than the commercial and industrial zones. The idea is to implement a pilot program, of sorts, that will allow the Board to see how it goes at this level*



and determine later if it could be expanded to other properties or uses.

- *These properties are not in the Ag Pres program. They are already considered developed residentially. Using remaining portions takes the pressure off of properties that are eligible for the Ag Pres program. Using these remaining portions adds properties to the inventory of potential land for preservation that would otherwise not be eligible for preservation through the Ag Pres program.*
- *The purpose of zoning is to identify where certain uses are or are not appropriate or compatible with other uses and to regulate the uses allowed based on the zoning assigned.*
- *As a result of this amendment, roughly 22,800 acres of land in ~724 parcels would be eligible for community solar development. The solar developers would then have that acreage available to identify which of those acres and parcels are actually suitable for their needs. Factors influencing suitability include proximity to 3-phase distribution lines, available capacity of the distribution lines, site constraints (such as slopes, sun exposure, natural resources, etc.), Public Service Commission (PSC) approval, and utility company approval. The expectation is that only a fraction of that acreage would actually be developed with solar.*

Feedback:

- Allowing CSEGS anywhere in the Ag district but instituting an acreage cap, such as 1,500 acres district-wide, would impact

Response:

- *Allowing CSEGS anywhere in the Ag district but capping the acreage that can be developed with solar would not be practical for implementation and enforcement by County staff.*

Feedback:

- Should be a conditional use.

Response:

- *The zoning text includes requirements to address the various issues that would most likely arise. By including these requirements in the zoning text, all CSEGSs would be required to meet all of the requirements, rather than just certain conditions being imposed on any given project. In addition, the draft text includes language (as does existing text in Chapter 155) allowing the Planning Commission not to approve a plan that does not sufficiently address impacts to the agricultural character of the site. This also allows for streamlining of the process.*

Feedback:

- Use a commercial overlay zone to capture the increased taxes due as a result of solar use.

Response:

- *The land is assessed based on its use rather than on its zoning. Therefore, regardless of zoning, if a CSEGS is installed on a property, the State Department of Assessment and Taxation's (SDAT) assessment will reflect the commercial use. The property would then be taxed as a commercial use.*



☀ Land:

- ☀ **Requires permanent easement on remaining land to be granted to County upon installation of solar facility.**
- ☀ **Easement must be a minimum of 5 AC. Easement not required on remaining land if remaining land is <5 AC.**
- ☀ **Easement extinguishes any additional residential and non-agricultural development.**
- ☀ **If community solar facility is <2 MW, and the parcel is big enough to accommodate expansion of the community solar facility, additional land can be set aside for future expansion, not to exceed a total of 2 MW on the parcel.**
- ☀ **No topsoil or productive agricultural land to be removed from the site for installation of the facility. All soils retained to be reused in landscaping/ vegetative plan.**

Feedback:

- Agree with requirement for permanent easement on the rest of the parcel not used for solar and restrictions similar to the Ag Land Preservation Program easements.
- The requirement for a permanent easement will discourage property owners from pursuing community solar development, which is a temporary use.

Response:

- *Under current zoning, these properties cannot currently develop anything other than accessory solar facilities. If this amendment is adopted, these properties will benefit from being permitted this additional use. Requiring an easement on the remaining land that is not developed for solar use ensures that the rest of the land stays in agricultural use. The current proposal does not require the land on which the solar facilities are located to be under easement. Therefore, if the solar facilities are removed at some point, that land – up to 20 acres – would still be able to develop for any uses that are permitted in the Ag District at that time.*
- *The easement requirements provide a balance between the needs of the property owner and the needs of the community. It permits the property owner use of some acreage for other uses allowed in the Ag District while also contributing to preserved acreage that is consistent with the Carroll County Master Plan goals and the County's agricultural land preservation goals.*

Feedback:

- Constrain the allowance to 5–20 acres in solar and limit eligibility to properties over 45 acres in total size.

Response:

- *Approximately 10-20 acres would be needed to develop a 2 MW facility. For most solar developers, it would not be economically feasible to consider a property that does not have the potential for a full 2 MW of panels. The proposal limits the maximum acreage for the CSEGS to 20 acres. It also requires an easement on the remainder of the parcel. Limiting eligibility to remaining portions over 45 acres would result in roughly 100-150 parcels being eligible. Only a fraction of these would be suitable.*

Feedback:

- Require solar facility to be placed on the least productive soils/farmland on the property.

Response:

- *This seems to make sense on the surface. However, staff reviewed the orthophotographs for several (random) farm properties to compare where the least productive soils are compared to where the property is*



farmed. In many cases, the area with poor-quality soils was actually farmed and other areas where not. The ability to farm certain areas seems to depend on the individual farmer/property owner and the type of farming that is being done. Placing the CSGES on the least-productive farmland on the property is a decision that may be more practical for the property owner to negotiate with the solar developer.

☀ Site Plan:

- ☀ **Requires Planning & Zoning Commission review and approval.**
- ☀ **Site plan must include and address any additional land set aside for expansion of the community solar facility, not to exceed 2 MW total.**

Feedback:

→ None.

Response:

→ N/A

☀ Environmental Resources:

- ☀ **No clearing of forested areas.**
- ☀ **Not located within or impede stream buffer, floodplain, or wetland. No variance or administrative adjustment.**

Feedback:

→ Community solar facilities should be subject to stormwater management requirements.

Response:

→ *It may be required per the State stormwater design guidance.*

☀ Ag Co-Location:

- ☀ **Maryland's [Solar Generation Facilities Pollinator-Friendly Designation](#), &/or**
- ☀ **Planted, managed, and maintained for grazing of farm animals, apiaries, or crops.**
- ☀ **Property owner responsible to control and suppress noxious weeds and invasive plants on site and prevent spread to surrounding farmland.**

Feedback:

→ Noxious weeds may be a problem.

Response:

→ *As a requirement in the zoning code, the Zoning office will be able to inspect and enforce the control of noxious weeds. We recommend the lease agreement between the property owner and the solar developer address the responsibility to control noxious weeds.*



☀️ Landscaped Buffer:

- ☀️ **Screened from street and/or contiguous properties.**
- ☀️ **Detailed landscaping plan to be submitted with the site plan. Should include type of plantings, location, and spacing to result in year-round screening from time of installation.**
- ☀️ **Landscaping should be hedgerow, native vegetation, and/or earth berm (using existing topography).**
- ☀️ **Can be located within setback.**

Feedback:

- A Class A (per Landscape Manual) screening would not be sufficient to screen the property. It would not result in a solid, year-round screening and would take several years to reach opacity.
- This use will not blend when looking across the landscape.
- Native ground covers should be used and maintained, along with standard fencing and tree border installation.

Response:

- *The landscape buffer requirement is intended to reduce visual impact of the solar facility from the road and from residential uses on contiguous properties. The co-location requirements are intended to provide visual benefits via the pollinator-friendly designation, which also provides pollinators for farm crops, and/or provide continued agricultural use via grazing or raising of farm products. Both requirements are intended to reduce visual impact and help the facility to blend in with the landscape as much as possible.*
- *The proposal no longer references a Class A landscape plan. The proposal does include landscaping the screens year-round from installation, as well as hedgerows, native plantings, and berms that are designed to blend in with the natural landscape.*
- *The proposal requires any fencing to be on the inside (solar facility side) of the landscaped buffer.*

Feedback:

- Landscaped buffers should also be required to screen from the second story of adjoining residential uses.

Response:

- *Requiring landscaping to screen the view for upper stories on adjoining houses would be very difficult to implement and enforce by County staff.*

☀️ Bulk & Height Requirements:

- ☀️ **Minimum setback 40 feet from property line and adjoining property lines for infrastructure and equipment. No variance.**
- ☀️ **Maximum height 15 feet above existing grade. Can be modified by Planning Commission.**

Feedback:

- There appears to be no mandatory setbacks. This would allow an array to be built right up to the property line. Setbacks need to be increased.
- A maximum height of 15 feet is not enough if someone wants to graze larger animals.



Response:

- The proposal requires the entire CSEGS to be setback a minimum of 40 feet from the property line along an adjoining street or from adjoining property lines. The primary impact of the facilities is visual/aesthetic. A landscaped buffer is required along the street ROW and along adjoining residential uses to address this issue.

☀️ Project Infrastructure and Utility Lines:

- ☀️ **Must be underground on site, except main service connection at utility company ROW and any new interconnection equipment, including poles.**

Feedback:

- All project electrical infrastructure and interconnections pathways should be mandated to be underground only.

Response:

- The proposal requires all on-site utility lines to be placed underground to the extent feasible and as permitted by the serving utility, with the exception of the main service connection at the utility company right-of-way and any new interconnection equipment, including without limitation any poles, with new easements and right-of-way. The items that are not underground are those that are controlled by the utility rather than the solar developer.

☀️ Abandonment & Decommissioning:

- ☀️ **Ensure owner or operator properly removes equipment / facilities at end of project life or after useful life.**
- ☀️ **Decommission solar panels if not in use for 180 consecutive days.**
- ☀️ **Plan to include provisions for:**
 - **Removal of all structures, foundations, and electrical transmission components and their proper disposal,**
 - **Restoration of soil and vegetation, and**
 - **Plan ensuring financial resources will be available to fully decommission the site.**
- ☀️ **Owner or operator to enter into public works agreement (PWA) with County to ensure proper decommissioning.**
 - **To include satisfactory bond or guaranty to County Commissioners to ensure compliance with this chapter and provision of related public improvements, adequate landscaping, screening, site access, or other treatment required.**
 - **PWA prepared by County Attorney.**
 - **Bond or guaranty to be satisfactory to County Commissioners.**

Feedback:

- A bond needs to be carried for the life of the system so the County will not be forced to pay for cleanup or decommissioning.
- Some solar panels contain toxic chemicals. The decommissioning plan needs to include provisions for disposal.



Response:

- *The owner/operator will be required to enter into a public works agreement (PWA) with the County. The PWA will include a provision of satisfactory bond or guaranty to ensure compliance with the zoning requirements, as well as ensure proper decommissioning.*
- *An abandonment and decommissioning plan will be required which includes provisions for the removal of all structures and foundations, the removal of all electrical transmission components, and the restoration of soil and vegetation. The proposed amendment includes a requirement for proper disposal to be addressed in the decommissioning plan.*
- *According to Arjun Makhajani with the Institute for Energy and Environmental Research, the toxic leaks is not a concern. The solar panels are encased in very strong glass designed to withstand hailstorms. In addition, Leslie Elder, with the Coalition for Community Solar Access indicated to the Planning Commission that several studies have been done that have “debunked” that concern.*

☀ General Feedback:

☀ General Supporting Comments

- Opportunity for supplemental income for farmers/property owners.
- Opportunity for clean energy for interested local residents.
- Provide tax revenue for the County without creating a burden on resources.

☀ Other Feedback:

Feedback:

- Residents of other counties would be able to benefit from these facilities using Carroll County land with no benefit to Carroll.

Response:

- *Customers can subscribe to a community solar facility located anywhere within the utility company’s (BGE or Allegheny Power) service territory. They do not have to be located in the same county as long as they are in the same utility service territory. Carroll County would gain the tax revenue of having these facilities.*
- *In 2019, Maryland increased its renewable portfolio standard to require that 50% of the state's electricity retail sales come from renewables by 2030. The State pilot program supports progress toward achieving that goal.*
- *The PSC has the authority to approve these facilities without proper zoning or approval from the local government. Providing adequate zoning for siting of these facilities shows a good faith effort at the local level to accommodate them to some degree, thereby making it less likely the PSC will overrule the County’s position.*

Feedback:

- The impacts of CSEGS are similar to large-scale projects, such as the one being developed in Mt. Joy Township in Pennsylvania.



Response:

- The Brookview Solar Project in Mt. Joy Township, PA, encompasses 530 acres and is intended to generate up to 75 MW of electricity. While the 530 acres are not all on one property, all the arrays are located in close proximity to each other, and many are on contiguous properties. Maryland law currently does not allow community solar facilities to be constructed on contiguous properties. In addition, current MD law limits the maximum size to 2 MW. The current draft proposed zoning amendment also caps the facility at 2 MW and imposes the additional cap of 20 acres per facility. A CSEGS typically needs about 5 AC per MW for panels, or a total of 8 AC per MW if other infrastructure is included. The requirement for a conservation easement on the rest of the land on the remaining portion is intended to help offset impacts by ensuring that land remains in agricultural use in perpetuity.



The proposed Brookview solar plant would sit on farmland near Route 97, which leads to Gettysburg. This plan submitted to Mount Joy Township, Adams County shows the project spanning 1,000 acres across 26 parcels of land. Panels are represented by the shaded areas.



Feedback:

- Who will inspect the facilities after they're constructed and ensure compliance with the zoning requirements?

Response:

- *The property owner will be responsible for ensuring the solar company upholds the terms of their lease agreement/contract. The County will inspect and enforce for site plan compliance, including the enforcement of the easement agreement.*

Feedback:

- Carroll County taxpayers have spent millions of dollars to support agricultural land preservation. Would decrease the program's ability to be successful.

Response:

- *These properties are not in the Ag Pres program. They are already considered developed residentially. Using remaining portions takes the pressure off of properties that are eligible for the Ag Pres program. Using these remaining portions adds properties to the inventory of potential land for preservation that would otherwise not be eligible for preservation through the Ag Pres program.*

Feedback:

- Many opportunities are already available for individual residents to install these on their property or rooftops.

Response:

- *Not all property owners have the ability to install solar on their own properties for various reasons – renters, financial limitations, property does not face the right direction for sun access, etc. Community solar provides access to solar energy to those property owners.*

Feedback:

- Prohibit solar companies and the PSC from using eminent domain to require underground power lines across a neighboring property without appropriate compensation.

Response:

- *As proposed, the zoning text amendment would require solar developers to underground all power lines within their control. The zoning text cannot place requirements on the PSC.*



☀ Commenters		
Support	Oppose	Unspecified: Questions/Suggestions
Carroll County Landowners/Citizens:		
<ul style="list-style-type: none"> ▪ Richard Erickson ▪ John King ▪ Josh Ambrose <p><i>All are interested in solar on their own properties.</i></p>	<ul style="list-style-type: none"> ▪ Melvin Baile ▪ Harry Sellers ▪ Wayne Barnes 	<ul style="list-style-type: none"> ▪ Art ▪ Aaron Mengel
Organizations:		
	<ul style="list-style-type: none"> ▪ Carroll County Farm Bureau ▪ Carroll County Agriculture Commission 	
Solar Industry – Support		
<ul style="list-style-type: none"> ▪ Coalition for Community Solar Access (Leslie Elder) ▪ Turning Point Energy (Francis Yuhas, Clark Shaffer) ▪ NexAmp (Jake Springer) 	<ul style="list-style-type: none"> ▪ Community Power Group (Amberli Young, Mike Borkowski) ▪ SolHarvest Energy (John Forgash) 	

☀ Other Considerations:

→ *Any new solar projects need to be approved by both the utility company AND the PSC before they could move forward, in addition to approval of a site plan by the Carroll County Planning Commission. (This process generally takes a minimum of 18 months.)*