CB55-2019

Ruth Alice White, HoCoClimateAction Advocacy Lead and Steering Committee member
8945 Footed Ridge Columbia Md

Comments from Howard County Climate Action opposing CB 55 and CR 133

Howard County Climate Action is a 12 year old local group working on climate education and advocacy.

We understand that Council member Yungman plans to introduce an amendment limiting CB55 to agriculture preservation easements only, not on all RR and RC zoned properties and this does not change our testimony.

I am aware that multiple groups are submitting written and oral testimony against these bills, and I will try not to repeat testimony I believe the council will get from others.

Howard County's 2030 General Plan and Climate Action Plans speak to the need for Howard County to develop clean and renewable energy sources in the county to meet greenhouse gas reduction goals.
https://www.howardcountymd.gov/Departments/Planning-and-Zoning/Community-Planning/General-Plan
https://livegreenhoward.com/energy/climate-action-plan/\
https://livegreenhoward.com/wp-content/uploads/2018/05/Howard-County_ClimateActionPlan.pdf

Given the urgent climate crisis we cannot delay in developing clean energy resources we need. Our young people are telling us we need rapid action now.

The county just passed legislation, CB 59 in 2016, to allow solar on agricultural preservation lands under certain strict conditions. This is critical to the swift development of solar since solar on farm lands can be larger and produce much more electricity than much smaller installations on rooftops or parking lots. And the roll out of solar on homes is slow.

The Maryland legislature just passed the Clean Energy Jobs Act in 2019 to increase the amount of solar and wind energy in Maryland. We hope that the offshore wind projects being developed will be operational soon. But without a cable under the Chesapeake Bay to connect us, offshore wind is still likely years away. It is critical we develop more solar in Maryland and in Howard County to provide clean energy here.

Most of Howard County's farmland is covered under agriculture preservation rules. (almost 23,000 acres of HoCo's total 32,436 acres of farmland per a USDA Agriculture Survey, 2017). As a result, these bills would stop most of the potential projects in Howard County. Since

proximity to appropriate power hookups is required, only a very small part of Howard County farmland can meet the requirements for solar development.

To get county approval (by the ALPP), projects cannot use more than 33% of a landowners' property, so the majority of any farm that hosts solar will still be available for farming.

The community solar projects, which are not "commercial" projects under PSC definitions, are very small as required under the state community solar pilot project. The proposed community solar projects in Howard County are 1/5 of 1% of the farmland in Howard County. Suggestions that community solar is a threat to farmland or food supply is simply untrue.
We have heard that some farmers (and non-farmers) are concerned that Howard County farms should continue to contribute to Howard County food needs and that we need this food. We also believe local food is a high benefit. But a 2015 study showed that except for chicken, Maryland farms produce only a very tiny percentage of the food Marylanders eat. Although food from Howard County farms is a social good it is NOT nearly enough to feed us.
https://mdfoodsystemmap.org/wp-content/uploads/2015/04/Maryland-Grown.pdf In addition, studies have found that food-growing and solar are compatible uses. (See two articles

Crops under solar panels can be a win-win
https://arstechnica.com/science/2019/09/crops-under-solar-panels-can-be-a-win-win/
and
Energy and food together: Under solar panels, crops thrive
https://www.pri.org/stories/2018-06-08/energy-and-food-together-under-solar-panels-crops-thrive.

Again we note existing law and policies were debated in the previous county council. A deliberate and reasoned process resulted in regulations and policy procedures. We need to give this policy a chance and not precipitously enact a one-year delay that could severely harm the solar industry. This proposal takes a sledgehammer to the policy that supports solar. We are aware of four pending projects (both commercial and smaller community solar projects). Let's not halt on this program before it has a chance. Existing county policy includes detailed guidance and regulation of how much of a parcel can be in solar, the conditions, the amount of remaining land that must be high grade (USDA f-grades I-IV), etc. In other words, it has been methodically and systematically developed to balance agriculture and solar needs.
https://www.howardcountymd.gov/LinkClick.aspx?fileticket=JNnvr90DsEo%3d&portalid=0&timestamp=1492532215477

For all these reasons and more, we urge disapproval of CB 55 and CR 133

James Hurt
12700 Old Frederick Road
Sykesville, MD

My family has owned our farm since 1924. For estate planning purposes, my brother and I divided the farm in 2013. On my 55 acre portion, I am voluntarily subject to an option to build a solar array with OneEnergyRenewables. The project on my farm would occupy 14 acres m/l - which is only 1/10 of 1% of all of the farmland in the ALPP.

Our family entered into the Howard County Agriculture Land Preservation Program (herein, ALPP) in January 1989 when my parents were living and actively managing the farm. It was a very rural area on Old Frederick Road where nearly all the land owners were dairy farmers. Now there's only one dairy farmer in the entire Howard County. Small farming has dramatically changed in 30 years!

On April 4, 2016 Dr. Calvin Ball, then County Council Chairman, sent a letter to all 270 ALPP owners describing the ZRA 164 amendment. In his letter, Dr. Ball said, "we all have a vested interested in seeing our Howard County farmers succeed. " (see Ex. A.). The Howard County Farm Bureau was unanimously in favor of ZRA 164 amendment. The Farm Bureau president stated, "farms have used (the) sun's energy for every crop we have ever grown and proposals like this (ZRA 164) can help protect farming on agriculture preserved land." (see Ex. A.).

On May 23, 2016, the Howard County Planning Board recommended approval of ZRA 164. The matter was fully discussed where all opposing views were considered. It gives the owners of ALPP farms many opportunities at their disposal to remain economically successful while still protecting the land for future generations. (see Ex. B.). Furthermore the Howard General Plan 2030 at **POLICY 4.12** states,

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"Develop an energy plan that prepares for different future energy scenarios, examines options for various kinds of future energy sustainability, promotes conservation and renewable resources, and sets targets to reduce greenhouse gases."

and in **ACTION D**,

"implement the County's 2010 Climate Action Plan . . . which relates to future technology, such as wind, solar, geothermal, and other renewable sources." (See Ex. C.).

One group which still opposes ZRA 164, in summary, says Solar Arrays do not support primary agricultural uses of the easement property. It is a truism - that the Solar Arrays and typical grain and/or vegetable farms all use land and harvest the sun in daylight. However, contrary to the opposition's view - the income for the rental of Solar Array land will absolutely "**support the primary agriculture purpose of the easement property.**" by making the small farm continue to be viable. (See Exhibit D - Section 106.1.D.1.a).

I suggest that the following example "uses" which are also permitted in ALPP farms have that same "non supporting" issue the opposition complains of:

- Sod farming uses - It permanently destroy the soil,
- Riding Horse farms uses -Admittedly used for human pleasure - but meanwhile consuming crops grown which could otherwise feed humans,
- Landscape business uses-Beautiful looking, but again, no food for humans,

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Sykesville, MD

Yet the above uses are permitted as of right with no conditions imposed.

Two years have passed since ZRA 164 was passed. We have acted within the constraints imposed and implied by Section 106.1. Significant capital funds have been spent in justifiable reliance on and in good faith of those regulations and there is no demonstrable proof that anything unforeseen has occurred to suddenly cause a reversal of policies of prior legislators.

My parents were close friends and neighbors with fellow dairy farmer, Ridgely Jones. (see Ex. E). Ridgley Jones was elected to the Howard County's first County Council. His neighbors trusted him. My father trusted him and he personally said to my father "this Farm Preservation program - it's a good thing."

At the time of the creation of the present Farm Preservation program, those first eight farm owners (my family among them) who chose to take a leap of faith trusted their legislators to not betray them in the future, e.g.

- (a) various harmful taxing schemes,
- (b) denial of certain uses important to small farm financial viability,
- (c) government taking by a eminent domain at a 30 year old value,
- (d) regulations adverse to small farm practices, etc.

I challenge this honorable County Council to show me where present landowners would put their faith and trust and their financial wherewithal at the whims of a fast changing demographic **30 years into the future** after seeing this attempt to throttle small farm income.

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12700 Old Frederick Road
Sykesville, MD

So, what happens then when you chose to legislate against the financial freedom of small farms in our county. What you do now as legislators affects small farms, not my father's generation, not mine - but their grandchildren - two generations later.

I only own tired 30 to 50-year-old farm equipment. I have no financial reserves to buy modern farm equipment and because of my age (79), I rent my land. My land is not providing any meaningful income to my family unit. My farm land asset is financially barely treading water.

My portion of the rent of the farm is $3580, less liability insurance $160, and less property taxes on the land of $332 and that net income of $3,088 is further reduced by Federal and Maryland income taxes. [Rent Income Calculation. $6920 rent x (40.9Ac. / 79.1Ac.) = $3580 rent. (see also Ex. F. FSA Map of farm crop field acreages).

Without a boost in income from the land, I have become in effect a "trustee" of nostalgia for those who wish to travel by car or bicycle on the "scenic by-way" of Old Frederick Road so that they can continue to view and enjoy open space.

My children want to keep our farm in our family, but make it profitable not just for its beauty. My children (ages 52 and 50) are due to inherit my share of the family farm. Will they continue to be satisfied with the level of income calculated above for the rest of their lives? I think not. What does that mean? It means that they're going to seriously think about converting this farmland into a cash sale. Young farmers in this area are very unlikely to be able to financially justify and afford the purchase price

James Hurt
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Sykesville, MD

that would be necessary to for the sale. That means that a large conglomerate will be the likely buyer. And they will continue to gobble up farms along Old Frederick Road because a "small farm" is no longer economical. We specifically don't want to sell to a conglomerate.

The average size of Farm Howard County is 125 acres (see Ex. G.) This is clearly small farming. These small farms are exactly the subject of the April 14, 2016 planning board at implementation Action G, to wit:

> ". . . increasing the amount of land area available for solar facilities on a particular parcel increases the economic viability of the facility and profitably to the farmer as an additional income stream."

I want to focus your attention on unwelcome actions by the federal government last week. Consider what the current Secretary of Agriculture, Sonny Perdue, said to the dairy farmers of Michigan

> **"If you are small, get out. . . you can't make it anyway ... don't expect support . . . don't expect to be valued for your care and personal dedication"** See Ex. H)

I call on this council to allow Howard County ALPP owners to benefit by this new solar technology to return their land to a meaningful income while providing significantly enhanced property taxes of the Solar Array for the county.

Let us not trample on the wisdom of the pioneers of the Howard County Council system.

Ex. A

Howard County Council

George Howard Building
3430 Court House Drive
Ellicott City, Maryland 21043-4392

April 4, 2016

GERALD F HURT TRUSTEE
C/O James P HURT
12700 OLD FREDERICK RD
SYKESVILLE, MD 21784

Dear Mr. Hurt:

I'm writing to you because your property is one of approximately 270 parcels in Howard County in our preservation program. Last year, I filed a Zoning Regulation Amendment (ZRA) petition, ZRA 164, to the Department of Planning and Zoning (DPZ) that would expand economic growth for Howard County farmers in agricultural preservation like yours, while promoting renewable energy. I firmly believe we all have a vested interest in seeing our Howard County farmers succeed. One key to ensuring your success is identifying opportunities to keep your land economically sustainable and I believe this ZRA is one more tool in your farmer's tool belt.

Current zoning regulations permit a Conditional Use in Rural Conservation (RC) or Rural Residential (RR) for a Commercial Solar Facility under certain criteria. It was the Council's intent during the 2013 Comprehensive Zoning to allow for the development of these facilities on preservation parcels that were once prohibited on these easements; however, conflicting language was not removed in error. Therefore, ZRA 164 provides the technical changes necessary to provide for the installation of Solar Commercial Facilities on agricultural preservation parcels. It also expands the development requirements once permitted from a cap of 2% of the easement or a maximum of 1 acre to align with the same requirements permitted in the RC and RR districts. Furthermore, petitions for Commercial Solar Facilities as a Conditional Use on preservation parcels must also be reviewed by the Howard County Agricultural Land Preservation Board prior to approval by the Hearing Examiner. Specifically, the proposed minimum lot size would be a minimum of 10 acres with a maximum solar facility of 75 acres.

I'm grateful to have received the unanimous support of our Howard County Farm Bureau for ZRA 164.

> "The Howard County Farm Bureau Board of Directors unanimously offers its support of Councilman Calvin Ball's ZRA expanding the use of solar," said Howie Feaga, President of the Howard County Farm Bureau. "We appreciate Councilman Ball's leadership in supporting agricultural preservation and renewable energy. We recognize not all farms will be a good fit for solar; however, those that can will be able to add value to their operations, and efficiently harness the power of the sun. In our minds, farms have used the sun's energy for every crop we have ever grown and proposals like this can help protect farming on agricultural preserved land."

(410) 313-2001 fax: (410) 313-3297
http://cc.howardcountymd.gov

Ex. B

Petitioner Dr. Calvin Ball made the following comments:

- This amendment would expand economic growth, create jobs, promote environmental sustainability, and support Howard County's farmers and preservation parcels.
- There is a conflict in the Zoning Regulations that must be removed, and approving this ZRA would correct an oversight that happened during Comprehensive Zoning.
- He believes that it was the County Council's intent to allow development of Commercial Solar Facilities on preservation parcels during Comprehensive Zoning in 2013. However, language prohibiting Commercial Solar Facilities in the ALPP was never removed from the Zoning Regulations.
- Howard County should promote policies that enable it to reduce energy consumption.
- This ZRA will further best practices and goals outlined in Plan Howard 2030 as well as the County's 2010 Climate Action Plan which encourages the use of renewable energy sources such as solar.
- Solar power is an expanding and evolving market that is worthy of investment.
- If passed, this ZRA will increase the amount of land available for solar technology development. However, many eligible properties may not be suitable for a Commercial Solar Facility based on a variety of factors, making the number of properties affected much lower than it appears.
- The purpose of this ZRA is to give properties that are in ALPP as many opportunities at their disposal to succeed and remain economically successful, maximizing the investment in their land, while still protecting the land for future generations.
- ZRA 164 will not eliminate Howard County's Preservation Program, significantly reduce the amount of farmland preserved, or reduce the amount of crops grown locally.
- To ensure that those in the County that are most impacted by changes to agricultural preservation understand those changes, he proposed that the Agricultural Land Preservation Board (ALPB) offer a technical review and submit comments to the Hearing Examiner for Conditional Use proposals for Commercial Solar Facilities.

Mr. Stefano Ratti represented Sun East Development and responded to technical questions posed by the Planning Board and provided testimony in support of the proposal. Mr. Ratti stated that his company has experience developing solar projects across the country. He stated that solar energy provides a net benefit to the County, has low disturbance to the property, and creates clean renewable energy and jobs. Mr. Ratti also stated that solar power generation can coexist with other farming activities and provides a steady source of

Ex. C

WHEREAS, Policy 4.12 of *PlanHoward 2030* calls for the County to "Develop an energy plan that prepares for different future energy scenarios, examines options for various kinds of future energy sustainability, promotes conservation and renewable resources, and sets targets to reduce greenhouse gases"; and

WHEREAS, Policy 4.12 has an Implementing Action D which calls for the County to "Implement the County's 2010 Climate Action Plan (referenced in Chapters 1, 3, and 12), which relates to future energy technology, such as wind, solar, geothermal, and other renewable sources"; and

WHEREAS, The General Plan also states in Policy 4.12, Implementing Action G, that the County should "Explore evolving energy markets, plus options for enabling "smart grid" technologies, which reveal new opportunities to create, store, consume, and invest in energy commodities and related assets"; and

WHEREAS, according to the Howard County Economic Development Authority, "Howard County's diverse agriculture industry is 335 farms strong, with:

- Innovative and robust growth in landscape, greenhouse and horticulture enterprises;
- A boom in agri-tourism and locovore food sales to consumers through farmers' markets and other outlets; and
- More horses per acre than any other county in the U.S., along with boarding and training services"; and

WHEREAS, in order to ensure that Howard County's 355 farms remain economically viable into the future, the County should encourage new policies and regulations, similar to this Zoning Regulations Amendment, which encourage diversifying farms' production to the benefit of both farmers and County residents.

NOW THEREFORE:

***Section 1. Be it enacted** by the County Council of Howard County, Maryland, that the Howard County Zoning Regulations are hereby amended as follows:*

By amending:

Section 106.1: "County Preservation Easements"
Subsection D. "Conditional Uses"

Ex. D

Numbers 1 "ALPP Purchased Easements and ALPP Dedicated Easements" and 2 "Other Dedicated Easements"

and

Section 131.0: "Conditional Uses"
Subsection N. 52 "Solar Facility, Commercial"

Howard County Zoning Regulations

SECTION 106.1: - COUNTY PRESERVATION EASEMENTS

D. Conditional Uses

1. ALPP Purchased Easements and ALPP Dedicated Easements

a. Conditional Uses shall not be allowed on agricultural preservation easements unless they support the primary agricultural purpose of the easement property, or are an ancillary business which supports the economic viability of the farm, and are approved by the hearing authority in accordance with the applicable provisions of Sections 130.0 and 131.0 of these regulations. On an ALPP purchased or dedicated easement property, the area devoted to Conditional Uses may not exceed a cumulative use cap equal to 2% of the easement or up to a maximum of 1 acre for preservation parcels created as part of the Cluster Subdivision process.

The following Conditional Uses may be allowed:

(1) Animal hospitals

(2) Barber shop, hair salon and similar personal services facilities

(3) Bottling of spring or well water

(4) Communication Towers

(5) Farm tenant house on a parcel of at least 25 acres but less than 50 acres

(6) Historic building uses

(7) Home based contractors

R. Jones, farmer, activist, dies at 83 Former councilman opposed development

By Erin Texeira
THE BALTIMORE SUN

OCTOBER 11, 1996

Ridgely Jones, a former County Council chairman and a farm preservationist who fought for more than 40 years to control Howard County development, died at home Wednesday of congestive heart failure. He was 83.

A dairy farmer, Mr. Jones grew up, worked and will be buried on the 300-acre farm -- Bowling Green in West Friendship -- that has been in his family for eight generations.

As the town of Columbia was first being proposed in the 1960s, the conservative Democrat waged a methodical and stubborn battle against development in the county and became formally involved in county politics.

He was chosen to help write the county's first charter in 1966-1967 and was elected to Howard's first County Council in 1970, replacing a county commission system.

"He had a great deal of impact on the way the county developed," said James Clark Jr., a former state senator from Howard. "Development is such a big thing, and there is not much one individual can do to change things. But, what success we had in controlling the growth and keeping some farmland for future generations, he had a hand in it."

Mr. Jones held various leadership positions on the Howard County Civic Association, the Howard County Agricultural Protection Advisory Board, the Howard County Farm Bureau, the Dairy Herd Improvement Association and the Maryland Cooperative Milk Producers Association, among other organizations.

In the late 1980s, he was one of the first farmers to join the Howard County Farm Preservation Program, through which farmers can agree to preserve their land for agricultural use in exchange for payments for the development value of the land.

Friends and relatives described Mr. Jones as a highly opinionated, yet quiet man -- "a man's man," as one former colleague called him.

Ridgely was a true gentleman in the finest sense of the word," said Elizabeth Bobo, a state delegate and former county executive who knew Mr. Jones for more than 20 years.

Mr. Jones was respectful of others' opinions yet stubborn in advancing his own. Friends and colleagues said he was an activist not for personal gain or fame, but because he believed in fighting to preserve citizens' rights.

"He was the only person on the charter board who had lived all his life in the county, and he expressed his roots very strongly," said James Holway, a Republican who served with Mr. Jones on the council and the charter board. "He insisted that anything having to do with the people's voice or people's rights be protected."

His biggest talent, Mr. Holway said, was in consistently working in the best interest of county residents. "There was no compromise on that issue on his part," he said.

Added Mr. Clark: "He was an extraordinary public official because he had the courage of his convictions, and that's a little bit rare. If something was unpopular, he would go for it anyway. He could go against the majority if he thought it was the right thing to do."

Born in Baltimore, Ridgely Jones returned to the family farm with his mother, Lorena Ridgely Jones, when he was 8, after his father died. He was raised by his mother and his grandfather, John Thomas Ridgely, who was the state's oldest living Civil War veteran when he died in 1929.

His grandfather, John Thomas Ridgely, served as a county commissioner in 1883 and his great-great-grandfather, John Hood, was a county commissioner in 1847.

Mr. Jones took over the ailing family farm at age 17, experimenting with technology to make the business profitable within a decade.

He was married to the former Helen Stromberg in 1934 and had three children.

"He had such a strong interest in the land and the soil and the farm," said James R. Moxley Jr., his wife's first cousin and a local land developer. "That's what you remember him most for: his strong attachment to and respect for the land."

Fred J. Pipes, who worked the farm adjacent to Mr. Jones' for more than 55 years, swapped labor -- bailing hay and milking cows -- with his neighbor dozens of times. They never kept track of hours worked on the farms, he said.

Over the years, we knew the work would balance out," Mr. Pipes said. "I could trust him to be fair."

zTC Mr. Pipes remembers his friend occasionally zooming down the road in his Chevrolet roadster -- "he wasn't a reckless driver, but he was a hot rod a little bit" -- and he remembers days of easy laughter amid hard work on their farms.

Mr. Jones and his wife were widely known in county agricultural circles for their unflagging political activism -- and their graceful elegance in ballroom dancing, which they loved.

"He and Helen were such a wonderful couple," Ms. Bobo said. "It was unusual -- they were never gushy, but you could tell just by looking at them that they were very much in love. It was a beautiful thing to see."

Mr. Jones was an avid reader of history, particularly Maryland and Howard County history, said Ann Holmes Jones Koch, his daughter, of Ellicott City.

It was his love for the county that spurred him to fight for its preservation, friends and colleagues said.

"I visualize my work in county government like work on my land," Mr. Jones said in a Sun article shortly before leaving the council in 1974. "The land is stony. But, I don't pick up all the stones at once. Each year, I just dig up the big ones. You can't do everything at once just because everybody thinks you ought to."

Fearful that the land he loved would be ruined by development, traffic and urban sprawl, he strongly opposed plans that surfaced in the 1960s to build the new town about 10 miles southeast of his farm that would be called Columbia.

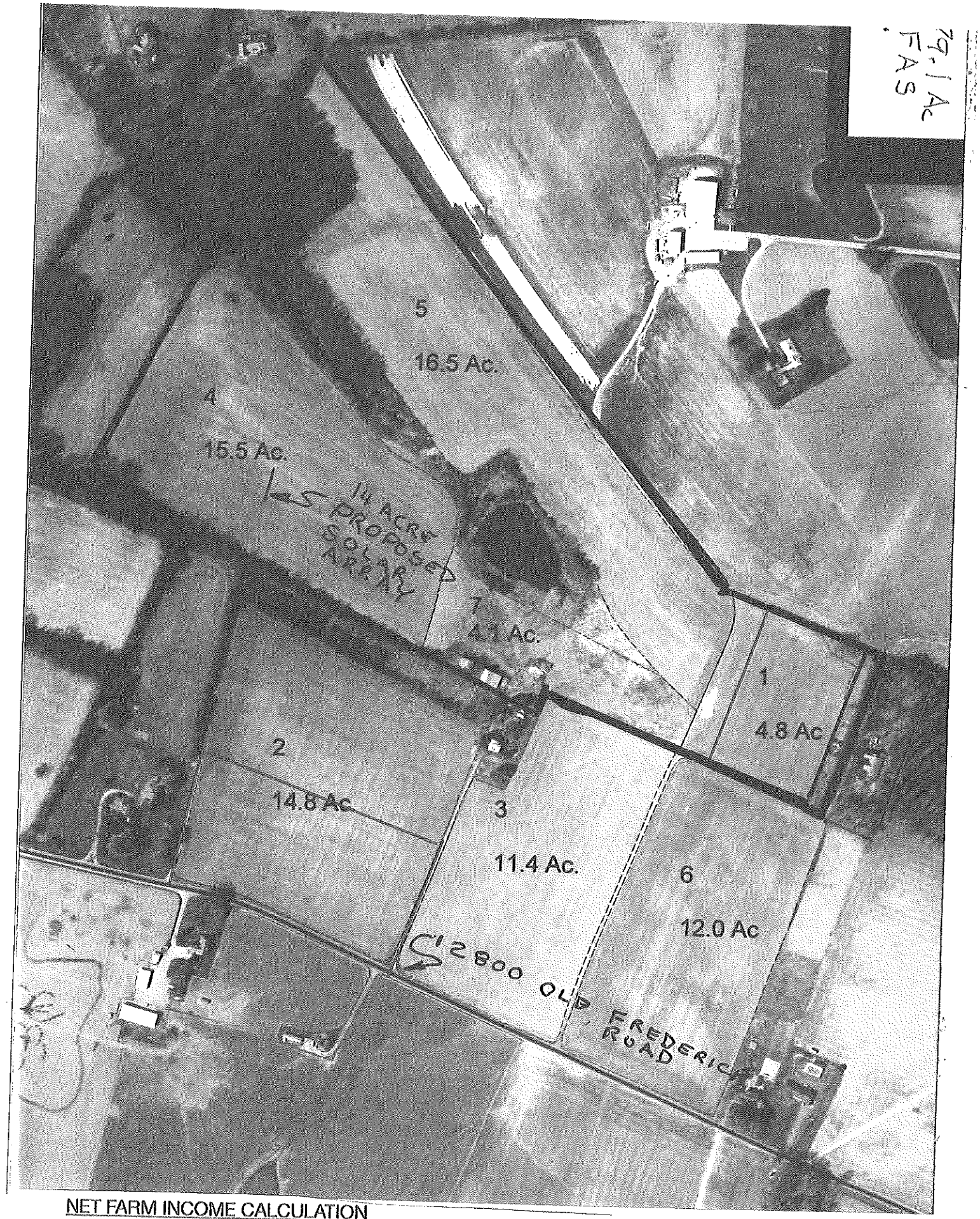
Those who knew Mr. Jones said that he was not an old-guard type who resisted all development. But, testifying at dozens of County Council hearings on land use and zoning, he insisted that farmland -- land being used to produce food -- should not be destroyed and paved over when unused land elsewhere lay idle.

Mr. Jones was an energetic, die-hard farmer. He continued milking cows on the farm, now run by his son and grandsons, as recently as two years ago.

Mr. Pipes, his longtime neighbor, said that when his friend became too ill to work in the fields, it marked the end of an era.

"His fields came up close to mine, so I would see him out there all the time," Mr. Pipes said. "He would have his old straw hat on and I could tell it was him out there on that Farmall tractor. I won't be seeing him anymore, I guess."

Ex. F



NET FARM INCOME CALCULATION

Total F.S.A. **Crop Field** (tillable) acres = 79.1 Acres

My **Crop Field** acres = (4.8+16.5+15.5+4.1) = 40.9 Tillable Acres

Total Rent for James & Gerald Hurt = $6920 / year

My Gross Rent = (40.9/79.1) x $6920 = **$3580 / year.**

Ex. G

The Howard County Farm Bureau

Home

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Howard County, Maryland has a total land area of 161,394 acres - of which approximately 25 percent is farmland.

Agriculture is among the top five industries in the county - accounting for more than $200 million in sales each year.

There are 318 farms with an average size of 125 acres.

Howard County's major crops include dairy and livestock, corn and small grains, and hay and pastures. Tree fruit, small fruits, and vegetables add to the farm income. Pick-your-own operations, roadside stands, and on-the-farm markets are important outlets for these commodities.

New emerging agricultural products in Howard County include nursery products, turf, bedding plants, and landscaping materials.

Latest Newsletter

Farm Safety & Health Website

Got e-mail?

If you would prefer to receive your monthly meeting reminders by the much more economical e-mail route, then please inform Leslie Bauer at Labauer5@verizon.net

Howard County Economic Development Authority - Agriculture Pages

Maryland Professional Lawn Care Manual

President's Message - March 2016

The Howard County Agri-Business "Breakfast for Dinner"

Thursday, March 17, 2016 at 7:00 p.m.

The next Howard County Agri-Business "Breakfast for Dinner" will take place on Thursday, March 17, 2016 at 7:00 p.m. in the Dining Hall of the Howard County Fairgrounds. Please mark this new date on your calendar and plan to join us! *Remember this is an Evening event.

This will be the season's last "Breakfast for Dinner". We will be showing the movie Collateral Damage: A Farm Family Under Attack. This film, which won best short documentary at the 2014 Iowa Independent Film Festival, is about the Hudson Family of Berlin, MD located on the Eastern Shore, and their fight against the New York-based Waterkeeper Alliance. This documentary was created by Save Farm Families; an organization whose goal is to help protect struggling farm families from bankruptcy triggered by environmental groups and their lawsuits (SaveFarmFamilies.org).

Please RSVP by noon, Monday, March 14th by calling either Charlotte Mullinix, at 410-489-4510 or Martha Clark at 410-489-5152.

The cost is $10.00 per person, payable at the door. We hope to see you on Thursday, March 17th at the next Howard County Agri-Business "Breakfast for Dinner"!

Events Page

Ex. H

With little apparent concern for how deeply his message would cut in an audience filled with small dairy farmers, Perdue noted that the economy of scale and other factors made it "very difficult ... to survive milking 40, 50, or 60 or even 100 cows."

So that's the message from this administration. If you're small, get out. You can't make it anyway. Don't expect support. Don't expect to be valued for your care and personal dedication. This is Darwinian thinking at its most brutal, with small, struggling farmers selected for extinction by a system that sees no place for them.

Wisconsin Republican U.S. Sen. Ron Johnson stopped short of directly criticizing Perdue, but he told reporters that small dairy farms are a tradition "we want to do everything we can to preserve." He added that larger dairy farms could provide resources that would help smaller operators.

Buffeted by trade wars and bad weather, the recent struggles of farmers are no secret. Minnesota already runs a mental health hotline for overwhelmed farmers, and the University of Minnesota earlier this year launched a rural stress task force to help farmers cope.

In a Star Tribune report earlier this year, David Van Drehle, a dairy farmer just west of St. Cloud, noted that "I made a nice living on 50 cows until three years ago." Milk prices are in the fourth year of a slump, while big dairies push out farmers like Van Drehle. In the past six years, more than 1,100 Minnesota dairy farmers have left the business.

Farmers deserve a federal government that's in their corner, ensuring that the playing field is level enough for them to at least have a fair shot. Perdue should recognize that small farms are a vital part of the fabric of rural life in this country, important to their communities and states and customers. Their value cannot be measured by profit margins alone.

Howard County Council Public Hearing
October 21, 2019
George Howard Building
7:00 pm

CB55-2019
Opposed
Meagan Braganca representing Our Revolution Howard County
3720 Valerie Carol Court
Ellicott City

[[About 250 million years ago, over 90% of life on Earth died. Specifically, 96% of marine life and about 70% of terrestrial life. The main driving cause that contributed to this calamity, is the sudden massive amount of volcanic activity in what is now Siberia. It caused a sudden spike in CO2 which lead to a fast uptick in global average temperature by 10 degrees Celsius. Marine creatures were deprived of oxygen in a suddenly warmer ocean. The ocean floor and areas near the poles were virtually oxygen-free.

The ice caps melted, the ocean turned acidic. Sound familiar?
It's because we are one tenth of the way down the same path. Our burning of fossil fuels has begun to cause the same rise in CO2, and we have already risen one degree above global average temperature from pre-industrial measurements.]]

As written, The Commercial Solar Facility Conditional Use Interim Development Act as proposed would put a moratorium on all commercial solar installations with the RR &RC zoned areas of Howard County, aiming towards targeting compatibility with the ag preserve program. But these conversations of compatibility can be achieved without putting the kibosh on what is an essential part of the solution to the climate crisis.

Since the end of last year, we've been living in a semi-uncomfortable space with the knowledge that we have 12 years to really turn climate change around, or risk warming beyond a point that we will have the control to stop relatively damaging warming trends, positive feedback loops, etc. A truth, however, that we really need to face is that we don't have 12 years, we have more like 8 or 9 and that's not coming from me that's coming from the Assistant Secretary-General of UNEP. In other words, we don't have the luxury of time.

Moving forward, in this world that will soon hold 9 billion people, both clean energy and food security through thriving agriculture will be critical, they will both be necessary, and so conversations on how to proceed where they can coexist should be happening. But temporarily halting installations in the meantime is not necessary or prudent.

By putting this moratorium on installations, we are essentially pitting solar against ag preserve which is a false conflict. This bill, if passed will result in unintended consequences of not allowing farms to site arrays that could greatly benefit their abilities to cut costs. Here's an example: I work for a solar company that installed a ground mount array on a local farm last summer. The array was just under 200 kW and will offset the farm's electricity needs. The array is sited apart from the land used for agriculture, and I would say there is room in that area to possibly size the array larger if it had been necessary. In other words, yes it was on an active farm, but the array siting was separate from the land in active agricultural use.

In fact, the owner of the farm is going to try growing different crops under the array to see what fares best. This new concept recently coined is actually called 'agrivoltaics'- and there has been some success with growing crops that can do well with partial sun under arrays. Pollinator gardens have also done very well as the plants and flowers receive cooling shade they need from the hot sun especially during the summer months. As CB59-2016 states, arrays in Howard County may be as high as 20 feet, feasibly allowing for easy access under arrays to tend to crops and gardens- even if the array was built at half that height.

In closing, Here are some numbers for perspective:

Currently Maryland has 2,000,000 acres of agricultural land
1,400,000 acres of active crop land
300,000 acres in ag preserve
150,000 acres of current crop land zoned for permanent conversion to residential/commercial/or industrial uses by local governments (10.7% of active crop land)
Total acres of land needed to meet the new 50% RPS goals by 2030 for utility-scale solar: 15,000 acres (supposing we put it all on ag preserve land, it would be 5%) (less than 1% of total MD agricultural land)

Development looks to be a much bigger problem than solar arrays

Testimony of Theodore F. Mariani RE CB 55 -2019
Howard County Council 21 October 2019

I am Therefore F. Mariani and I reside at 16449 Ed Warfield Road Woodbine Md. 21797

The legislation proposed ,CB 55 is timely and urgently needed .

Currently a number of Conditional Use cases that would allow CFS installations on Agricultural Preservation sites are in process and are either scheduled or awaiting hearings. I will address why these cases should be put on hold. Further the county should also reconsider its policy that allows CFS's on agricultural and other environmentally sensitive sites that are not now in the County Agricultural Preservation Program.

In considering such action the Council should recognize the following:

1- State courts have ruled that the State thru the Public Service Commission has ultimate authority on granting Solar Energy Generating Systems (SEGES) of 2 MW or more, thus preempting local authority. This would apply to any CSF case in Howard County that exceeds 2 MW.

2- Maryland State Agricultural Preservation Program MALPF precludes a CSF of any size on sites in it's program. It is a general theory that state policy overrides local policy in similar matters. Howard County has not however, adhered to the state lead in this regard.

3- Howard County has recognized the conflict of establishing a CSF, a non agricultural, commercial income producing activity, on county Agricultural Preservation sites that have benefitted from tax exempt treatment of county payments (Refer to "Commercial Solar Facility Policy" issued by DPZ on 4 April 2017). There is the further concern of how the state and federal government will view the County action in allowing land owners to benefit from years of tax avoidance and then violate the covenant that created the tax free payments. Approval of CSF"s on Agricultural Preservation sites might well trigger a claw back on past due taxes and thus endanger the entire Ag Pres program.

4- All county Agricultural Preservation properties are covered by perpetual easements that preclude CommercialL or Industrial use . It is not clear that

the County can undo these easements , which are perpetual covenants, without re authorizing the program with altered conditions. This I believe would require hearings and Council action.

5.) The Howard County Agricultural Preservation Board has recently amended the board's criteria for review of CSF conditional use requests. This change was necessary to curb the abuses in the application of the prior criteria that resulted in applications that subordinated the farm's existing agricultural use to a CSF a commercial/industrial use. This new criteria limits the CSF to 10% of the farm acreage or 10 acres whichever is less. This is a dramatic reduction from what was previously considered acceptable.

And finally the State has recognized the conflicts inherent in siting Renewable Energy Systems. The Governor's Executive order 01.01.2019.09 ,signed by Governor Hogan on 14 August, 2019, established a Task Force on Renewable Energy Development and Siting to address a number of issues.

The executive order cites the potential for "unwise siting" that could jeopardize Maryland's Farms , Forrests, Waterways and Wetlands.

The order further states that the Task Force shall:

Encourage responsible siting of renewable energy projects to:

Minimize the impact of renewable energy projects on agriculturally or ecologically important , sensitive , or valuable areas

Avoid locations that harm, inhibit, or otherwise adversely impact:

A Agricultural , conservation. or preservation areas or easements
B Fertile, prime, or productive farms and fields
C Forest and park lands
D Scenic site and ecological area, shorelines ,wetlands. or waterways
E The State's cultural heritage, economy, environment , natural resources or view sheds

The Task Force is charged with identifying changes to State Law , policies, procedures regulations, resources and tools that would

incentivize "responsible renewable energy development and siting".This would include incentives for locating Solar Energy Systems on roof tops and parking lots in commercial and industrial areas

In view of the above cited matters, deferring further action on all pending cases dealing with CSF's until the State Task Force has presented its final report to the Governor, no later than August 2020, is both prudent and logical.

This bill would allow ample time for Howard County to reexamine its policy on the development and siting of CSF's so that it is conformance with State policy and protects our vital agricultural and environmental resources.

I urge you to support bill CB 55.

Theodore F. Mariani FAIA PE MCRP
President Concerned Citizens of Western Howard County

Richard Deutschmann
9485 Hickory Limb
Columbia MD 21045

On Behalf Of:

IndivisibleHoCoMD
P.O. Box 603
Savage, MD 20763

RE: Testimony - Opposition to CB-55
Commercial Solar Facility Conditional Use Interim Development Act

My name is Richard Deutschmann, and I am here representing the 600 members of Indivisible Howard County. We so much appreciate this opportunity to come before the County Council. We are here in opposition to CB-55.

Marylander's have spoken in regard to solar energy development, and they overwhelmingly want to see more solar energy deployed to power our homes and business. The Clean Energy Jobs Act passed the Maryland Legislature in 2019 and has become law, calling on 50% renewable energy by 2030. This will take rooftop residential, commercial, and ground-mount utility scale solar for us to get achieve this mandate. I am quite sure you have all been reading the news regarding global climate change, which will have a devastating impact on Maryland's 3000+ miles of shoreline. We have already experienced this bleak future, with storms and 1000-year flooding ravaging our Ellicott City not once but twice. There is simply no time to debate any further, we must act boldly to deploy more renewable energy, and curb our use of fossil fuels.

CB-55 is a page right out of the Koch Brothers' playbook. Their coordinated dark money campaign aims to thwart solar energy development, and keep us hooked on fracked gas and fossil fuels into the future. Make no mistake, state entities like the MD PSC are making decisions right now, on how we will power our electric grid for the coming decades. As we retire old coal fired power plants, we will need new, clean forms of electric generation. If solar is slowed by misguided legislation like CB-55, we will certainly end up with more fracked gas power plants in the state.

As a retired licensed professional engineer and solar energy developer, let me offer up the following in response to some of the inaccurate claims about solar:

- People have voiced concern that solar energy will take up enormous amounts of agricultural land. If Howard County approves of and builds (10) community solar plants that are each 2 ~~10~~MW in size, that will amount to a total of less than ~~150~~ 70 acres. This compares to 3m+ acres of farmland in Maryland, and 600k+ acres of Agricultural Preserve land. It simply does not even scratch the surface of affecting our available farmland
- More broadly, DOE has done a calculation to compare solar energy to the total amount of power used in the U.S. If we were to power our entire country with solar, it would only take an area of less than ¼ of 1% of all the land in the U.S.
- Solar is quiet. The only noise is the low hum of transformers and inverters, similar to the green boxes in our neighborhood. There are no compressor stations, pumps, turbines, cooling towers, or other industrial equipment associated with fossil fuel development
- Solar is low profile. The panels, racking and inverters, once installed, rarely reach over 8' tall. Viewscapes beyond are preserved.
- Solar farms typically utilize pollinators and other low-profile landscaping, to prevent shading of the panels and reduce erosion. This draws birds, butterflies, other pollinating insects, which in turn helps our local agriculture.

- And finally, solar plants must meet the stringent requirements of the MD Department of the Environment for stormwater management and erosion control. Believe me, it is a high bar, and sites that have a problem with erosion are not issued an operational permit

To summarize, Indivisible Howard County is opposed to this legislation, which will slow down the deployment of solar energy in the county. Rather, we ask you to consider a future powered by clean, renewable energy for our kids and grandkids. We ask for your "No" vote on CB-55. Thanks so much.

I am happy to answer any questions that you have.

Good Evening County Council. My name is Kristi DeLauney and my property borders with an agricultural preserved land parcel. Prior to us moving to this location, I did my research and noted our future home's bordering property and the zoning regulations. Noting the farm in my back yard was an agricultural preservation land parcel. My husband and I felt confident this was the place where we wanted to raise our family.

Knowing this property and other farms located in Howard County were in an agricultural preservation program, never in our wildest dreams would we have thought we would be facing a commercial entity occupying the agricultural preserved property. To add even more of a surprise a Commercial Solar Panel Facility. We have many concerns of this proposed Commercial Solar Panel Facility being placed on the agricultural parcels in Howard County.

I question the soil quality and run off water of these forever farmlands. With increased volume of the solar panels located on the agricultural property preventing the natural absorption of rainwater and causing drainage into bordering properties. ~~Has~~ Have there been studies on the soil quality after years of Solar Panels installed on the land. How about drainage run off and affecting neighboring homes since many of these farms are integrated in neighborhoods.

Another concern is the displacement of wildlife. With the large amount of acreage proposed to bring in the Commercial Solar Panel Facilities, I'm concerned about the increase of accidents not only killing various wildlife but causing more roadway accidents from dodging the animals on our highways and dark back roads of Howard County.

The site viewing of the solar panels is a far cry from corn and hay fields for which Howard County is known for and what has brought so many

residents such as myself for the rural residential neighborhoods' will now mar the natural landscape view.

More long-term concerns include the degradation of solar panels leaking toxic elements into the soil, and water table. Also, responsible cost-effective recycling and disposal of the solar panels.

Please consider endorsing the CB55-2019 Act and the CR133-2019 Resolution. This legislation will provide time and deliberation for these concerns to be carefully addressed. I thank you for your time and attention.

HCCA **Howard County Citizens Association**

Since 1961...
The Voice Of The People of Howard County

Date: 21 October 2019
Subject: HCCA Testimony of CB55-2019

Good Evening. My name is Stu Kohn and I am the President of the Howard County Citizens Association, HCCA testifying on their behalf. We are very glad to say that we appreciate the efforts of Council Member Yungmann for his effort of trying to ensure that the right of his constituents is in no way jeopardized because of previous poor decisions by allowing solar in the first place on Agricultural Preservation land. Mr. Yungmann – THANKS for introducing a Bill which we believe ALL your colleagues should fully support by voting "YES." HCCA has been working with the Concerned Citizens of Western Howard County, the Greater Highland Crossroads Association, and residents who would be drastically affected by Solar Facilities on Agricultural Preservation. They bought their properties in good faith regarding Preservation land surrounding there properties. They deserve to be treated better than this! Those who participate in the Agricultural Preservation program should not be allowed to double dip. Having made money on the program and now leasing their property for a Commercial Solar Facility is not right. Why should the taxpayers of Howard County be penalized for other's gains? CB 55 is merely creating a ten-month moratorium while the State studies the matter. It is not about anti-Solar. It is a sensible pause while the State evaluates where solar belongs.

We only wish the Bill not be a temporary measure, but a permanent one to bring some semblance of sanity back into the picture which proudly is displayed behind you. Yes – a signature of our County that should be respected.

Please refer to the Bill on page 3, lines 17 thru 20 which are very compelling. It reads, "These conditional use petitions, if considered and approved under the present criteria in the Zoning Regulations, could lead to development which would be incompatible with surrounding agricultural uses." This says it all. Now we have a recommendation. Please refer to page 4, line 4 and add the word "NO" prior to the word "Conditional". After the word "petitions" add the words "SHALL BE PERMITTED." On line 6 change the word "will" to "SHALL."

Please refer to page 4, lines 9 thru 12 regarding the "Effective Date." This date needs to be clearly defined in the Bill so all parties completely understand.

Mr. Mariani's closing says it best when he states, "Deferring further action on all pending cases dealing with Commercial Solar Facilities (CSF) until the State Task Force has presented its final report to the Governor, which must occur within one year of the date of the Order, (no later than August 2020) is both prudent and logical. This bill would allow ample time for Howard County to reexamine its policy on the development of CSF's are in conformance with State policy and protects our vital Agricultural resources."

A profound quote when searching for "Preservation" is from Theodore Roosevelt it reads: "Here is your country. Cherish these natural wonders, cherish the natural resources, cherish the history and romance as sacred heritage, for your children and your children's children. Do not let selfish men or

greedy interests skin your country of its beauty, its riches or its romance." If you substitute the word "county" for "country" is this Howard County?

Hopefully each of you will vote in the positive as this is the right thing to do regardless of your political party. We ask for you to show your constituents that the word "Preservation" is indeed meaningful now and in the future!

Thank You,

Stu Kohn
HCCA President

October 21, 2019 CB55-2019

Howard County Council,

I am against CB55-2019 for the reasons to follow,

1) You as a council need to honor a commitment that was passed in 2016 with ZRA 164 allowing solar facilities to be established on Ag Preservation properties.
2) Some of these "Conditional Uses" for solar facilities would be in place if the county had a "Hearing Examiner" position filled in an appropriate time frame.
3) I'm all for a "moratorium" or as here it is called an "Interim Development Act", after we have a few facilities on the ground to use as a guide to tweak the ones in the future.
4) Infrastructure and location are going to limit the ability to put very many arrays up. It becomes more difficult to get the solar energy to leave the system, the more solar you have in any one area.

Some say it is not agriculture, well I have farmed all my life and everything I have ever raised has needed the sun to get it done. Now that there is a way to raise a bank account with it, now suddenly it's not agriculture. No one bats an eye when a farm gets developed, but let one try and get a profit from it and not add people, cars, and schools and more of a power need, and it's now a crime.

Every time this country needs something the American farmer is asked to help, and we do. We feed you for less than any other country, we power your cars with 15% ethanol, is that agriculture? Yes, and we put clothes on your back and shoes on your feet, and every time we want to diversify you want to tell us, no you can't. When will it stop? It needs to stop now!!!

Thank You !!! Howie Feaga

TESTIMONY TO THE HOWARD COUNTY COUNCIL

Council Bill 55-2019

POSITION: Oppose

BY: Ruth Lynn Auerbach, District 3 Resident, 9455 Clocktower Lane, Columbia, MD 21046

DATE: October 21, 2019

This summer, I had solar panels installed on my roof. However, these panels are only projected to produce about 1/3rd of the electricity used by my home. Therefore, I intend to become a customer of a community solar project to cover the rest of my electricity. I speak today both as a person who cares about the planet and as a future customer of a commercial solar facility.

The County Council was right in 2016 when they approved Zoning Regulation Amendment 164, allowing for commercial solar facilities on agricultural and environmental preserved parcels by Conditional Use under certain conditions in the RC and RR zoning districts. The concerns raised in CB55 are unnecessary, as some of the concerns are already resolved and another is an overreaction to the potential for future legislation by the State.

In particular, CB55 says commercial solar facilities "**may possibly** interfere with the existing land uses and potentially result in the clearing and grading of land, which can cause soil compaction, erosion, and alteration of drainage channels." It also expresses the goal "to conserve prime Howard County farmland and [preserve] the agricultural industry." While the first concern is technical, it seems to be based on an overall concern for the impact of commercial solar facilities on the farmland in Howard County, and this is what I will address.

First, current policy and regulations already manage these issues. The County's "Agricultural Land Preservation Program (ALPP) Commercial Solar Facilities Policy" (https://www.howardcountymd.gov/LinkClick.aspx?fileticket=JNnvr90DsEo%3d&portalid=0&timestamp=1492532215477) states the following:

> The ALPB [Agricultural Land Preservation Board] is required to provide a recommendation as to whether a proposal meets the following criteria, as set forth in Section 131 of the Howard County Zoning Regulations:
>
> 1. "The siting of the CSF [Commercial Solar Facility] on the parcel or parcels is an **ancillary business** which **supports the economic viability of the farm**, or
>
> 2. "The siting of the CSF on the parcel or parcels **supports the primary agricultural purpose** of the easement property."

The document later details that these criteria are applied based on the commercial solar facility taking up no more than 34% of the property and the remaining property must have 66% of its soil at a certain minimum USDA quality and 50% at an even higher quality. Hence, the current policy already requires that commercial solar facilities support the agricultural industry, not replace it.

Second, the United States' Department of Energy (DoE) indicates that solar facilities are beneficial both to neighboring farms and to future uses of the land for farming. From the DoE's "Farmer's Guide to Going Solar" (https://www.energy.gov/eere/solar/farmers-guide-going-solar):

> **Land can be reverted back to agricultural uses at the end of the operational life for solar installations.** A life of a solar installation is roughly 20-25 years and can provide a recovery period, **increasing the value of that land for agriculture in the future**. Giving soil rest can also maintain soil quality and contribute to the biodiversity of agricultural land.

Also from the Guide:

> Solar projects planted with pollinator habitat can actually help **increase local agricultural yields** through increased pollination and other beneficial insect services. Two states (MN and **MD**) have **already developed pollinator-friendly solar certifications** to promote planting of pollinator habitat that can benefit local farms. ....
>
> - ...
> - Solar can be installed on marginal agriculture lands and provide a different source of revenue for the farm. This different revenue stream can offset operating expenses of the farm and provide **economic resiliency** in poor growing years.

If the specific issues of erosion, compaction and drainage become a problem, it is already in the owner's interest to address them. If these concerns arise and are not addressed by the land owners, the County could write legislation specifically to this issue. Since solar panels tend to have a positive, rather than negative affect on the soil, we should not impose a moratorium.

Further, CB55 expresses a concern that the 2020 Maryland Legislative session will pass bills requiring changes to commercial solar facilities. I don't find this to be a strong enough reason to enact this moratorium. Commercial solar facilities producing hundreds of MW of electricity have already been built in Maryland. The County can wait until the legislation is written and passed before adjusting its course. Addressing Global Warming is too urgent to delay our response.

Additionally, on Friday, October 18, 2019, Councilman Yungmann sent out a letter clarifying the bill. He wrote, "My intent for this legislation is that it apply to Commercial Solar Facilities on Agriculture Land Preservation Program easements only, not on all RR and RC zoned properties." However, information on the Howard County webpages indicate that ALPP land is more than 61% of the agricultural land in the County[1]. Hence, CB55 will severely limit the possible land available for commercial solar facilities, even if the moratorium is restricted to preserved agricultural land.

1 The Agricultural Preservation webpage (https://www.howardcountymd.gov/Departments/Planning-and-Zoning/Conservation-and-Preservation/Agriculture) says, "As of March 2019, Howard County's farmland preservation amounts to a grand total of 22,798 acres." The Planning and Zoning's Statistics and Reports page (https://www.howardcountymd.gov/Departments/Planning-and-Zoning/Statistics-and-Reports) has a chart indicating the the non-preserved agricultural land is at most 14,469 acres. I didn't find an exact number. Hence, the preserved farmland is at least 61% of the total.

Finally, I want to emphasize the urgency needed to address the Climate Crisis, which is already affecting not only the planet as a whole, but our County[2] directly. The United Nations' webpage on Climate Change (https://www.un.org/en/sections/issues-depth/climate-change/index.html) states:

- Climate Change is the defining issue of our time and we are at a defining moment. From shifting weather patterns that threaten food production, to rising sea levels that increase the risk of catastrophic flooding, the impacts of climate change are ... unprecedented in scale. **Without drastic action today, adapting to these impacts in the future will be more difficult and costly**.
- The [UN's Intergovernmental Panel on Climate Change's October 2018] report ["Global Warming of 1.5 °C"] ... highlights a number of climate change impacts that could be avoided by limiting global warming to 1.5°C ....
- The report finds that limiting global warming to 1.5°C would require "**rapid** and far-reaching" transitions in land, energy, industry, buildings, transport, and cities. Global net human-caused emissions of carbon dioxide (CO2) would need to fall by about 45 percent from 2010 levels by 2030, reaching 'net zero' around 2050.

Delaying the shift to solar energy now will require greater and more costly adaptions in the future, and increases the likelihood that we will experience the severe consequences resulting from the planet heating by more than 1.5°C.

Please, vote no on CB55.

2 https://www.washingtonpost.com/graphics/2019/national/climate-environment/climate-change-america/

Jim Rice
Co-CEO

Nautilus Solar Energy, LLC
396 Springfield Avenue
Summit, NJ 07901

RE: Testimony CB-55 Commercial Solar Facility Conditional Use Interim Development Act

My name is Jim Rice. I'm the Co-CEO and Co-Founder of Nautilus Solar Energy, LLC. We develop, construct, manage, and own community solar farms throughout the country, including here in MD and Howard County. Although we are a national company, I am also a proud native of Howard County. I grew up off of Montgomery Rd in Elkridge, I'm a 1977 alumni of Howard High School, and I went to college down the road at the U.S. Naval Academy. I continue to have family, friends, and business colleagues here in Howard County. Thank you for the opportunity to speak this evening. I am speaking in opposition to CB-55.

Many will testify here of the environmental importance of solar and clean energy for future generations, and I agree. Please let me add three other key points of focus:

A. **Savings** - The clean solar power from these systems is subscribed to by 1,000s of customers. So, the residents of Howard County will have the opportunity for significant power savings. Importantly, a significant portion of the subscribers (and benefits) will be targeted to low and moderate income subscribers. **So, vote AGAINST this solar moratorium so Howard County residents of all income levels have the immediate opportunity to save money on their power bill.**
B. **Jobs** - These community solar farms create jobs for Howard County residents. Nautilus Solar and our solar industry peers have already invested tens of millions of dollars in MD, creating well-paying jobs, and some of them are here in Howard County. We're ready to invest more. **So, vote AGAINST this solar moratorium so together we can continue to create good-paying solar jobs for Howard County residents**.
C. **Farm Support** - Lastly, Solar on agricultural land supports our farmers and their agricultural way-of-life. Specifically, we pay lease money to farmers to build solar, and those leases create a steady income for farmers to supplement their less-steady income from other farming. Farmers are literally 'Harvesting The Sun'. **So, vote AGAINST this solar moratorium and support Howard County farmers' capability to continue their agricultural way-of-life**.

In conclusion, a vote AGAINST the solar moratorium is a vote to save Howard County residents money, create Howard County jobs, and support Howard County farms.

Thank you for the opportunity to testify this evening.

HOWARD COUNTY GOVERNMENT
CB55-2019 AND CR133-2019

Commercial Solar Facility Conditional Use Temporary Prohibitions and Task Force to Study Commercial Solar Facilities on Agricultural Land Preservation Parcels
Legislative Public Hearing
October 21, 2019 7 PM Banneker Room George Howard Building
By
Mindy Burstein and Peter Solomon
5601 Foxview Court, Clarksville MD 21029

We are testifying to strongly support the temporary prohibition on development of Commercial Solar Facilities and the creation of a task force to study the issues surrounding the use of agricultural land for Commercial Solar Facilities.

We've lived here for 25 years. We bought the land in part because we were informed the farm next door was preserved agricultural land. We felt this would assure the character of our neighborhood in perpetuity.

We are pro solar. We believe that renewable energy is an essential part of any strategy to combat climate change. Nevertheless, this is a residential neighborhood. The agricultural preserved parcel is surrounded by homes. Developing a CSF on such a parcel would adversely change the character of the neighborhood. We do not believe that this was the intent of conditional use regulations.

Instead, the intent of these regulations was to help struggling Howard County farmers keep their farms economically viable. This is not the case with the Broadwater farm. In fact, the owner is neither a Howard County resident nor involved in the farm's agricultural activity. He is simply an investor. The county's conditional use regulations should seek to exclude non-resident investors so that actual farmers receive the benefits.

Although studies show that CSF's may be less expensive per Kilowatt than rooftop solar, this analysis does not capture the fact that rooftop solar does not require any additional land or transmission lines. Rooftop solar creates a truly distributed system and leaves neighborhood character intact. Has the county explored strategies to encourage or subsidize rooftop installations rather than large scale commercial solar facilities? The proposed task force would allow the county to evaluate this approach.

When a commercial solar facility is installed within or adjacent to a residential community, environmental issues must be fully vetted. For example, are current regulations sufficient to protect neighborhoods from additional rainwater runoff causing erosion and runoff into ponds and streams? Do they protect wildlife and their habitats impacted by these facilities? Do current setbacks and screening requirements protect neighbors from the adverse effects on the quiet enjoyment of their neighborhoods? Also, this year there were 3 tornadoes in one month, one within 2 miles of the proposed Broadwater CSF. Do installation and safety requirements adequately protect neighborhoods from disaster? The Broadwater farm is 100 feet away from a neighboring pond that feeds the nearby streams. Who will be responsible if the toxic materials in the solar panels that include lead and cadmium were to enter the pond, streams and ground water?

It is imperative that the county place a temporary prohibition on conditional use petitions until a task force can study these issues and recommend a comprehensive strategic approach to implementing solar energy in Howard County that benefits all constituents.

Ann H. Jones
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Ellicott City, MD 21042
410-461-6869
annholmesjones@gmail.com

October 21, 2019

Howard County Council
George Howard Building
3430 Court House Drive
Ellicott City, MD 21043

RE: Council Bill 55-2019; Council Resolution 133-2019
Position – Undeclared

Land is a very limited resource, particularly land with good soil, adequate rainfall and excellent local markets. We are a small county with tremendous development pressure. It was in recognition of this pressure that Howard County established a well-funded and successful agricultural easement purchase program. Had this program not existed, it is unlikely that there would still be significant farmland in Howard County.

CB 55 does not declare war on solar. Rather, it advocates stepping back a bit and making sure we get it right. I am aware that many people go by a farm field and fell like its vacant land – just sitting there for the taking. But that land helps to provide clean water, clean air, allows us to connect with the outdoors, oh and by the way – produces food too.

There are families here who have played by the rules to date and are in the pipeline for the approval of their solar projects. I believe that they should be allowed to continue through the process and develop their project.

We know more about the impact of these facilities will have then we did several years ago. We can evaluate the impact they will have on the ability of a farmer to continue farming. The collectors will be there for a minimum of 25 years and could be there for 40 years or more. We need to get it right.

Howard County is the only county in Maryland allowing commercial solar on permanently protected agricultural land. Land protected under the Maryland Agricultural Land Preservation Foundation does not allow commercial solar facilities. Land protected with the Maryland Environmental Trust does not allow commercial solar facilities. There are many reasons why this is the case, ranging from IRS requirements for donated easement or the bargain sale of conservation easements to the legislative purpose of the individual programs.

We need to encourage solar development that is ancillary to and compatible with the main farming operation. I am confident that this can and should be done. It may not take a year – but we do need to step back and carefully consider the best way to create a sustainable solar future and protect our best agriculture land.

TESTIMONY OF THERESE M. MYERS RE CB 55-2019 AND CR 133-2019
HOWARD COUNTY COUNCIL, OCTOBER 21, 2019

GOOD EVENING. MY NAME IS THERESE MYERS AND I LIVE AT 5421 BROADWATER LANE IN CLARKSVILLE, MARYLAND. MY PROPERTY OVERLOOKS 5545 BROADWATER LANE, AN AGRICULTURAL PRESERVATION PARCEL AND ONE OF THE PROJECTS CURRENTLY AWAITING A CONDITIONAL USE HEARING FOR COMMERCIAL SOLAR.

IF THIS PROJECT IS APPROVED, I WILL HAVE COMMERCIAL SOLAR WRAPPED AROUND THE FRONT AND SIDE OF MY HOUSE.[1] THIS PROJECT CERTAINLY GOT MY ATTENTION AND IS THE REASON I BECAME INVOLVED WITH THIS ISSUE. BUT THIS ISSUE IS SO MUCH BROADER THAN MY SITUATION.

THIS PAST JULY, WITH THE SUPPORT OF MANY HOWARD COUNTY CITIZENS, I URGED COUNCILMAN YUNGMANN TO SPONSOR A BILL THAT WOULD PLACE A MORATORIUM ON THE SITING OF COMMERCIAL SOLAR ON AGRICULTURAL PRESERVATION LAND SO THAT THE ISSUE OF RESPONSIBLE SITING OF SUCH PROJECTS COULD PLAY OUT AT THE STATE LEVEL.

I AM DELIGHTED THAT HE HEARD US AND RESPONDED WITH THIS WELL-THOUGHT OUT BILL 55 AND COMPANION RESOLUTION 133, BOTH OF WHICH DESERVE THE COUNCIL'S FULL SUPPORT.

1 Please see Attachment showing my house highlighted in yellow.

ON AUGUST 14, 2019 GOVERNOR HOGAN ISSUED AN EXECUTIVE ORDER CREATING A TASK FORCE TO STUDY RESPONSIBLE SITING OF RENEWABLE ENERGY DEVELOPMENT IN OUR STATE.[2] INDEED, THIS EXECUTIVE ORDER ESSENTIALLY AFFIRMED AND BROADENED THE SCOPE OF SENATE BILL 744 THAT HAD PASSED UNANIMOUSLY (47-0) IN THE MARYLAND SENATE, A BILL THAT SOUGHT TO BALANCE AGGRESSIVE DEVELOPMENT OF SOLAR ENERGY PROJECTS WITH STRATEGIC SITING TO PROTECT OUR STATE'S NATURAL RESOURCES AND AGRICULTURAL HERITAGE.[3]

IN HIS EXECUTIVE ORDER, GOVERNOR HOGAN DECLARED, "UNWISE SITING OF RENEWABLE ENERGY PROJECTS COULD JEOPARDIZE MARYLAND'S FARMS, FORESTS, WATERWAYS AND WETLANDS."[4] THE GOVERNOR'S TASK FORCE WILL MAKE RECOMMENDATIONS FOR AVOIDING LOCATIONS THAT ADVERSELY IMPACT AGRICULTURAL PRESERVATION AREAS.[5] IT IS PRUDENT TO WAIT AND RECEIVE THE STATE'S RECOMMENDATIONS BEFORE MOVING FORWARD WITH PETITIONS TO SITE COMMERCIAL SOLAR ON HOWARD COUNTY'S AGRICULTURAL PRESERVATION PARCELS.

COUNTY BILL 55 IS NOT ANTI-SOLAR. IT IS PRO-SOLAR, BUT IT IS PRO-SOLAR IN A RESPONSIBLE MANNER. IT MERELY CALLS FOR A REASONABLE PAUSE WHILE THE

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2 Executive Order 01.01.2019.09 (Aug. 14, 2019)

3 See Maryland Senate Bill 744, Protecting Natural Resources and Preserving Productive Farms – Commission on the Development of a Blueprint for Solar Energy in Maryland. This Bill passed unanimously (47-0) in the Senate on March 11, 2019 and was deemed an EMERGENCY MEASURE because our State's natural resources and productive farmland are increasingly under threat.

4 Executive Order 01.01.2019.09 at 1.

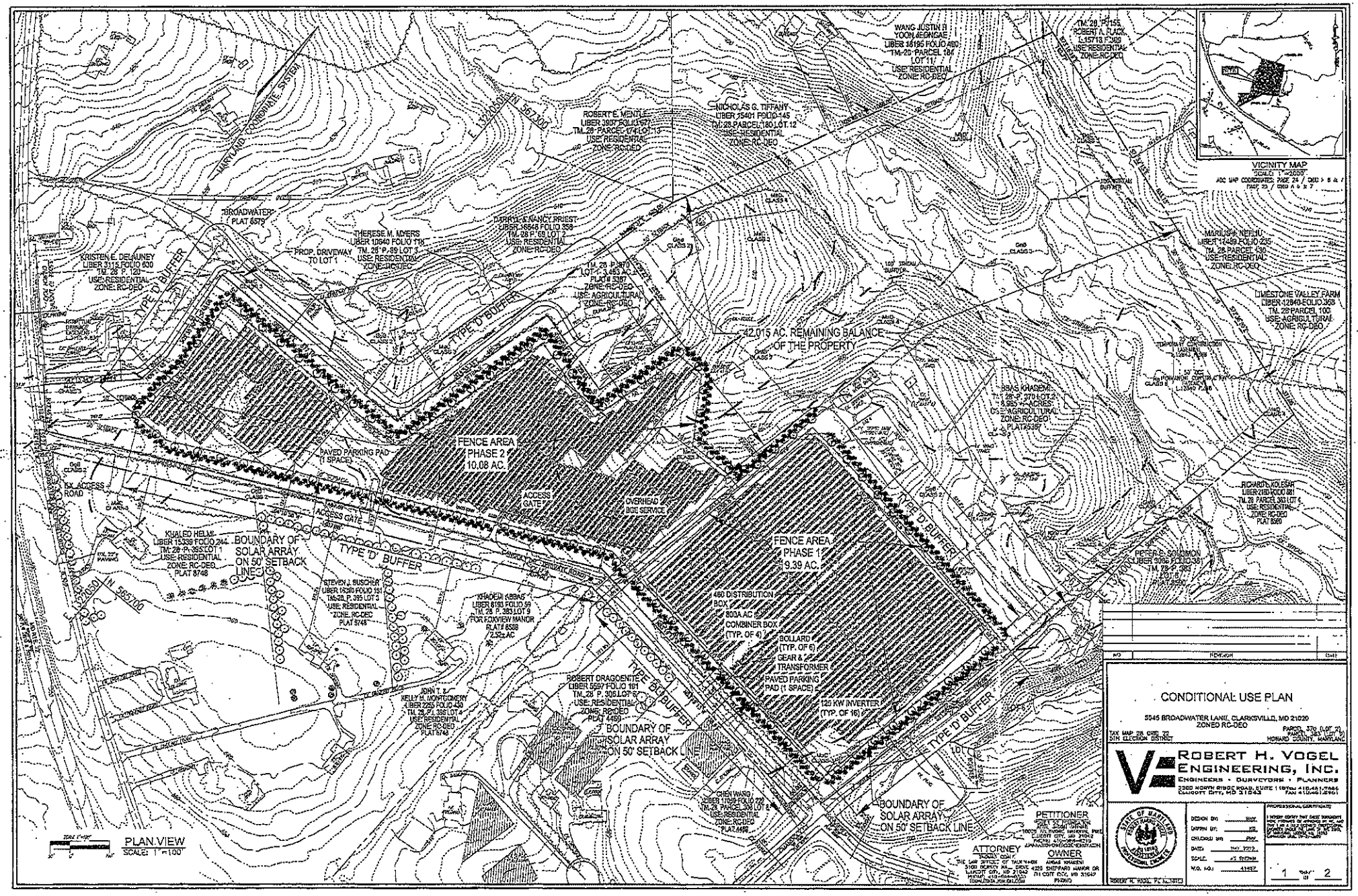
5 Id. at 3.

STATE COMPLETES IT STUDY TO DETERMINE HOW TO SITE THESE PROJECTS IN A RESPONSIBLE MANNER.[6]

YOUR VOTE IN FAVOR OF BILL 55 AND RESOLUTION 133 WILL SHOW THAT YOU RECOGNIZE THE IMPORTANCE OF BALANCING THE EXPANSION OF RENEWABLE ENERGY WITH RESPONSIBLE SITING TO PROTECT OUR COUNTY'S NATURAL RESOURCES AND PRECIOUS FARMLANDS.

I URGE YOU TO VOTE IN FAVOR OF COUNTY BILL 55 AND COUNTY RESOLUTION 133.

6 See id. at 5 (requiring Task Force to submit to Governor final report detailing its recommendations on responsible renewable energy development and siting within one year of date of Order).


CONDITIONAL USE PLAN
5545 BROADWATER LANE, CLARKSVILLE, MD 21020
ZONED RC-DEO
TAX MAP 28, GRID 22
5TH ELECTION DISTRICT
PARCEL 370 (LOT 2)
HOWARD COUNTY, MARYLAND
ROBERT H. VOGEL ENGINEERING, INC.
ENGINEERS • SURVEYORS • PLANNERS
PLAN VIEW
SCALE: 1"=100'
VICINITY MAP
SCALE: 1"=2000'
42.015 AC. REMAINING BALANCE OF THE PROPERTY
FENCE AREA PHASE 2 10.08 AC.
FENCE AREA PHASE 1 9.39 AC.
BOUNDARY OF SOLAR ARRAY ON 50' SETBACK LINE
TYPE 'D' BUFFER
PAVED PARKING PAD (1 SPACE)
ACCESS GATE
OVERHEAD BGE SERVICE
480 DISTRIBUTION BOX
800A AC COMBINER BOX (TYP. OF 4)
BOLLARD (TYP. OF 6)
GEAR & TRANSFORMER
125 KW INVERTER (TYP. OF 16)
PETITIONER
ATTORNEY
OWNER
DESIGN BY:
DRAWN BY:
CHECKED BY:
DATE:
SCALE:
W.O. NO.:
PROFESSIONAL CERTIFICATE
1 OF 2