

Sayers, Margery

From: Sayers, Margery
Sent: Friday, November 1, 2019 9:17 AM
To: CouncilMail
Subject: opposed to CB55-2019

Christine Carrington
301-596-2574
Lives in Owen Brown – District 2

*Margery Sayers
Executive Assistant
Howard County Council
410-313-0832*

Sayers, Margery

From: Rigby, Christiana
Sent: Thursday, October 31, 2019 11:57 AM
To: Sayers, Margery
Subject: FW: Follow up on work session CB 55 and CR 133
Attachments: HC ZRA 164 TFM.pdf; CSF Conty Exec Mtg copy.pdf

From: Theodore Mariani <theodore.f.mariani@me.com>
Sent: Wednesday, October 30, 2019 2:03 PM
To: lwalsh@howardcountymd.gov; Jones, Opel <ojones@howardcountymd.gov>; Jung, Deb <djung@howardcountymd.gov>
Cc: Rigby, Christiana <crigby@howardcountymd.gov>; Yungmann, David <dyungmann@howardcountymd.gov>
Subject: Follow up on work session CB 55 and CR 133

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

Council Members

I attended the work session on Monday , 28 October , anticipating that I would be called upon to describe in some detail our support for CB 55 and CR 133. AS it turned I was never called upon , which is surprising in that I was the sole representative present of the three Citizen's Associations that testified at the hearing.

That being the case I would like to provide you further information in support of the rationale for approval of CB 55 and CR 133.

The history of the legislation that allows CSF's on Ag Pres land is as follows:

- 1) The original proposal allowed 75 acres of an AG Pres farm to be covered by a CSF without any limitations other than a 50 setback from property lines and that the applicant had to submit the project for a conditional use.. This was heard by the Council sitting as the ZB and another requirement was added namely that the project had to be reviewed by the Ag Board , which would make a recommendation on approval or denial.
- 2) The Ag Board subsequently discussed how they would determine the acceptability of a project that came before them. The criteria for review stipulated that no more than 34% of the total farm acreage could be devoted too the CSF. Their assumption being that the 66% remainder would constitute a primary agricultural use. This assumption turned out to be flawed when actual cases began to come to them for review. In one case , Broadwater Lane, the strict application of the criteria resulted in more than 50% of the actual tillable land being occupied by a CSF. A second problem was that even if there 34% to 66% ratio was maintained there income generated bye the CSF far out weighted the income generation capacity of the remainder in Agricultural use.
- 3) Faced with this unanticipated result the Ag Board at it's September 2019 reopened the question of the application of it's criteria and made a decision to drastically revise it to bring it into compliance with their original intent that the Agricultural use of the farm should remain paramount and that the CSF should be a subordinate use. To achieve this they amended the criteria to allow only 10% of the farm and no more than 10 acres too be devoted to a CSF. In addition they imposed other conditions that spoke to the need to preserve the best tillable acreage for crops and that the CSF should be located to do the least interruption to the primary agricultural use.

We are at a point now where several projects have gone through a portion of the approval process and received a positive recommendation from the Ag Board based on its flawed and now abandoned criteria. Since there have yet to be public hearings on these projects it is not too late to make a course correction.

Further, we now have a state wide effort underway to establish a unified approach to the development and siting of all forms of sustainable energy. The preliminary results of that work should be available in early 2020. This will give Howard County an opportunity to reconcile its program for sustainable energy with the state policy in this regard.

It was also pointed out that Howard County is now out of sync with our neighboring counties, none of which allow CSFs on preserved land.

In light of these facts it would be prudent to enact a moratorium on all CSF projects, including those that are in process but not yet approved,

In regard to the Task Force that has been proposed under CR 133 I would like to reiterate that there should be representatives of the the resident communities that are directly affected by these CSF projects. The Task Force as proposed is unbalanced and without resident participation will be perceived as ignoring the community and its citizens who have year after year supported their purpose and the funding of the Ag Pres program.

I am attaching other documentation on this matter that that you might find helpful in your deliberations.

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

Statement of Theodore F. Mariani FAIA PE MCRP
16449 Ed Warfield Road
Woodbine Md. 21797

In RE : Case Number ZRA 164 which would change the zoning regulations to allow Commercial Solar Facilities on Agricultural Land Preservation Parcels and on dedicated easements including those in cluster subdivisions.

As a long time resident of Howard County and owner of a 185 acre farm that my wife and I put the Howard County Agricultural Preservation Program over 24 years ago , I am firmly opposed to this proposed zoning change.

My understanding of zoning impacts is based on a long and deep involvement with zoning and development in both Howard County and the greater Washington Metropolitan area.

,My first concern is the violation of trust that this proposal embodies. Based on Section 15.501 thru 15.510 of the Howard County Code the Ag Pres program's purpose was" to protect and enhance agricultural land in Howard County".

To that end the landowners that entered the program joined in a covenant with the county to ensure the accomplishment of that intent. I quote from the exact wording of the agreement that we entered into with the county

"the Grantor covenants ,grants and relinquishes the right to develop the Land for any purpose except those which are related directly to or as an accessory use of the premises for farming and agricultural purposes" The covenant then proceeds to explain in detail which development rights are not allowed The development rights that are relinquished "include , but are not limited to , the right to develop the Land for use in the following manner:

(1) industrial or commercial uses "

Other uses were cited as not being allowed including residential development but it is clear that the first among the various uses that were prohibited were : "Industrial or commercial uses" Further this relinquishment of the right to use the land for industrial or commercial purposes is to be "in perpetuity".

It is abundantly clear that a large scale " solar farm" is both an industrial and commercial use Generation of electrical power for sale to the public is clearly not an agricultural pursuit.

To argue otherwise would be illogical.

Further to change the purpose of the original legislation that created the County Ag Pres program would be a violation of the basis on which the program was presented to and endorsed by the citizens of Howard County. It would also be a violation of the covenants that cover every farm that is in the program.

Recognizing that vast sums of tax funds have been expended to put the program in place it is quite likely that an aggrieved adjacent land owner and taxpayer could sue the county for misappropriation of tax revenues.

A second issue is the huge scale of the potential power generating system. that would be allowed under this ZRA. Most farms in Howard County are relatively small Many farm sites are 100 acres or less, yet on a 85 acre parcel one could install a 75 acre solar array. with only 50 foot setbacks from adjacent properties.

A 75 acre field of solar panels (equivalent to 70 football fields) adjacent to residential development would be overwhelming.

One should also recall that when farms were admitted into the program they are scored based on the quality of the land for productive farming operations. Only the superior sites were admitted to the program. Thus when you place an array of solar panels on the site you are eliminating the best farm land from agricultural production..

Another consideration is that essentially all of the preserved farms are in the Non Planned Service Area and rely on well water . Most crops including wheat, corn, soybeans, alfalfa, timothy etc. depend only on the natural rainfall for moisture. A field of solar panels has to be periodically cleaned to work at maximum efficiency This requires washing with water and detergents. Thus you have a two fold problem, depletion of ground water and the dispersion of chemical cleaners into the soil.

It should be noted that while certain "accessory uses are permitted on Ag Pres land they are allowed only to support the primary purpose of the farm and are quite restricted in scale For example almost all are limited to 2% of the land area and up to a maximum of 1 acre. In no case are they to become a replacement for agricultural production.

Let us now turn to the other dedicated easements including the preservation parcels in cluster subdivisions.

Here we have a rather unique problem. Most of the cluster preservation parcels are intertwined with the residential lots of the subdivision , in some cases resembling an octopus. To allow a huge solar array in such close proximity to residences can have many adverse impacts some off which can not be foreseen Solar reflections can be more than troublesome. A case in point being the Los Angeles Concert Hall which had a stainless steel cladding that inadvertently, focused sunlight on a neighboring residential building . The solar heat gain was so severe that the apartment units were rendered almost uninhabitable.which led to a law suit against the city. The city ultimately spent several million dollars to rectify the situation.

Another concern would be the emotional and economic effect on the near by residents. These folks bought into the cluster arrangement with the expectation that the uses of the preservation parcels would be rather benign. Typically these uses have been farmers or landscapers growing crops or plant stock. which is visually and functionally compatible with residential use. When the Cluster zoning concept was envisioned by the commission that I chaired ,this is the type of use that was intended This was codified in the regulations to limit any intensive development on these parcels. A massive industrial/commercial solar array was never contemplated and is not consistent with the intent of the regulations.

The question is what purpose is being served and at what cost?

Putting solar panels on roofs, or over parking areas generally makes sense. Creating huge solar arrays in a remote area on scrub land is appropriate, and most large scale solar installations have this in common . But to use preserved prime agricultural land or land that is embedded in residential development for an industrial purpose flies in the face of reason.

Converting a farm field into a solar facility could be appealing to some in the farming community since a lease rate for a commercial solar installation is 15 to 20 times what crop land can bring under a typical lease. The fact that farm land is leased at the current modest rate is what makes farming practical in Howard County.

A typical Howard County farmer owns about 100 to 200 acres but through leasing can be farming 1000 acres or more. This is the benchmark for a sustainable crop farming operation. If the preserved farms are put into non farm uses such as solar power stations these farmers will lose access to this essential resource.

Solar power can have a place on a farm as a source of energy for the farm. And if in the process some excess power is created it can be put back into the grid to provide added income to the farm operator. This could qualify as an accessory use especially if a modest sized solar array were placed on barn and shed roofs or over impervious surfaces.

Conversion of prime farm land for huge industrial scale power generation is not in the best interest of Howard County. The use of dedicated preservation parcels within cluster subdivisions for large solar arrays is not in keeping with the intent of the program that established this regime. Recall that the cluster approach had two principal rationales first to head off the proliferation of 3 acre lots throughout the RR and RC zones and to preserve a significant percentage of the sites for farming and farm related activity.

For the reasons stated this ZRA should be rejected.

Professional Qualifications of Theodore F. Mariani FAIA PE MCRP

In his sixty year professional career as an Architect Engineer and Planner he has designed over 500 projects including University Master Plans, Hospital Campus expansions, a satellite community in Prince Georges County and the Washington DC Convention Center.

He has served in numerous positions that have involved local and regional development. These have included:

- Land Use Committee of the Washington Regional Council Of Governments
- Chairman of the District of Columbia Zoning Commission
- National Vice President of the American Institute of Architects
- Chairman of the Howard County Commission that formulated the Cluster Development and Density Exchange Option to the Zoning Regulations for the preservation of farmland
- Chairman of the Howard County Planning Board
- Member of the Howard County Commercial Nodes Study Group
- Member of the Citizens Advisory Panel for the Howard County General Plan
- Member of the Howard County Mulch and Composting Task Force

Currently he is serving as :

- President of the Concerned Citizens of Western Howard County
- President of the Howard County Historical Society

Meeting with County Executive Commercial Solar Facilities 10 March 2017

Points to Consider

The process that led to the adoption of ZRA 164 was seriously flawed

DPZ reached out to the Ag Bd for advice on the merits of the ZRA. The Bd members though well intentioned did not have the requisite knowledge of land use (other than farming) to weigh the impacts of this bill on the surrounding parcels. Further there was an inherent potential conflict of interest , since some of the Bd Members might avail themselves of the financial gain associated with the program.

One board member sat through all of the sessions concerning Ag Bd deliberations on Commercial Solar Facilities (CFS) and only on the very last session and just prior to the vote to approve the criteria for acceptance did he recuse himself. He stated that he would not vote since he was considering entering into a CSF contract on his farm.

The actions of the Ag Bd in first endorsing the ZRA , testifying in support at both the PB and the ZB hearings and finally preparing criteria for guidance to the HE were instrumental in the ZRA being approved.

DPZ failed to fully investigate all of the impacts and unintended consequences of the ZRA such as its direct conflict with the HC Code. Further DPZ s did not at any point

prior to the PB hearing ever alert the citizens of the county that this major change to the Ag Program was afoot.

As a result there was no input during the gestation of the ZRA from those who would be directly impacted including adjacent neighbors and those home owners who had bought into cluster subdivisions.

The HC Office of Law likewise did not do an exhaustive and rigorous review of the ZRA to reconcile the many conflicts that were inherent in the ZRA such as HC Code, Enabling Legislation for the Ag Prom, existence of restrictive covenants on Ag Pres properties as well as other dedicated easements .

And finally the Council sitting as the ZB gave short shrift to the concerns of the citizens who spoke against this , while embracing the comments from the industry lobbyist and the farm community who clearly had a vested interest

These cumulative failures to fully vet the ZRA and respond to the pleas of the residential community have brought us to this point. We now have created a farmer versus neighbors conflict that need not have existed .Three citizen organizations have joined to oppose this conversion of farm land to a commercial/ industrial scale use. (this is not unlike the furor that erupted over the use of Ag Pres land for Industrial Scale Mulching).

Summary of Issues

1 ZRA violates HC Code

2 Violates Ag Program enabling legislation

3 Changes the basis on which Cluster subdivisions were envisioned and created. Those buying into Cluster subdivisions were led to believe that preserved parcels would not be used for commercial purposes.

4 Violates existing covenants that are meant to maintain in perpetuity the agricultural or open space use of the preserved farm or parcel.

5 CSF 's are not agriculture

6 Ag Bd criteria is advisory and not binding, even so the idea that allowing 34% of the entire site to be covered with a CSF while less than 50% were required to be farmable is beyond comprehension. (Note that MALPF allows only 5% of farm and maximum of 5 Acres to be in a CSF)

7 ZRA 164 allows an unlimited % of farm and up to 75 acres in a CSF

8 Conflicts of interest will be challenged if this process is allowed to go forward.

9 A further possible outcome would be that farms that now have a CSF would become eligible to enter the Ag Program after having profited from installing a CSF on their land.

10 One of the key features in joining the Ag Program was the ability to get a tax credit for the difference between market value of the farm and what the county paid for development rights. It is my understanding that IRS could well seek to recapture these taxes if the land is put to a commercial use. Further as with the state program, which was partly funded with federal dollars the feds would have to sign off non any conversion of farmland non commercial use.

11 A feature of the current program is the ability to covert one acre of land into house lot for every 50 acres in preservation. However to do so the farmer must refund in full the amount he received for that land. Why not have the same requirement for land taken out of agricultural use for a CSF?

12 Solar industry lobbyist stated that the land covered with the CSF could easily be restored to farming after the end of the 30 year lease . No one to my knowledge has examined the effects of the solar panels on the land during the lease period (erosion etc) or in fact what would be required to put the land back into production.

This also begs the question , that if economically viable , why would the land ever be returned to farming.

13 Impact on farming in Howard County . All larger scale farmers in the county except those few who have created special value added features (LarriLand and Ellioak) require

access to about 1000 acres to maintain a successful operation. Since not one farmer in the county owns 1000 acres, a sustainable farm business is only possible through rental of other farms.

Farm land currently rents for \$100 per acre per year. Solar developers are offering as much as \$1500 per acre per year. This financial inducement could have a dramatic effect on the inventory of farm land available to the farm community.

What to do

Put a 12-month moratorium on the ZRA implementation while all of these issues are sorted out and resolved. During that period, seek expert opinion as well as input from both the farm and residential communities that are affected by the ZRA. The county would then have a basis for proceeding with a rational plan.

Sayers, Margery

From: Jennifer Ramelmeier <holistic.dvm@gmail.com>
Sent: Wednesday, October 30, 2019 9:02 PM
To: CouncilMail
Subject: oppose CB55 and CR 133

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

Dear council members,

Please do not pass this bill. I have always taken pride in how forward thinking we are as a county and this bill is a clear step backwards.

please please we don't have the time to waste as far as climate change!!! If we act now we can roll back our carbon imprint with operations such as solar community fields. It is imperative that progress not be impeded.

sincerely

Dr Ramelmeier

--

Jennifer Ramelmeier, DVM, CVH
410-531-9213 Office
410-741-3545 Fax
www.pureholisticvet.com

Sayers, Margery

From: Raymond Donaldson <rtdonaldson@gmail.com>
Sent: Wednesday, October 30, 2019 3:42 PM
To: CouncilMail
Cc: Ball, Calvin B; Curran Phil; Salgado Leslie; White Ruth Alice
Subject: CB55-2019: legislation establishing a moratorium on solar projects

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

To all councilman,

Please vote against:

- **CB55-2019:** legislation establishing a moratorium on solar projects that are developed with conditional uses in Howard County. *Introduced by David Yungmann.*

Howard County needs to be a leader in promoting new forms of energy to replace the world's reliance on fossil fuels. Much creativity is needed to ensure that the world can solve the global warming Climate Crisis, but moratoriums on solar projects are NOT the way to begin (or more accurately FAIL TO BEGIN). Please tell me your views on how we should proceed further to solve this WORLDWIDE CRISIS. Our children, grandchildren, and all future generations are depending on what we do NOW.

Thank you,

Raymond Donaldson
2911 Pauls Provision
Ellicott City, MD 21042

Sayers, Margery

From: Jung, Deb
Sent: Tuesday, October 29, 2019 4:17 PM
To: Sayers, Margery
Subject: FW: CB55

Deb Jung
Councilmember, District 4
Howard County Council
3430 Court House Dr., Ellicott City, MD 21043
410-313-2001

Sign-up for my District Update [here](#).

From: Richard D <rdeutschmann2@gmail.com>
Sent: Tuesday, October 29, 2019 1:00 PM
To: Jung, Deb <djung@howardcountymd.gov>
Subject: Re: CB55

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

Hello Deb -

Just wanted to circle back on CB-55. Do you have any questions, or is there anything we can track down and clarify? Can we count on you as a "no" vote on both moratorium and the task force? It is so important that we continue the progress on the Community Solar pilot, without this type of major interruption.

Thanks so much Deb,

Richard Deutschmann
M – (410)707-4368

On Fri, Oct 18, 2019 at 4:52 PM Jung, Deb <djung@howardcountymd.gov> wrote:

Good to see you this afternoon. I feel much better informed after our chance meeting. I have no idea what my Council colleagues are thinking about regarding this bill. No one has really talked about it yet. Stay in touch and I will, too.

My best to you,

Deb

From: Richard D <rdeutschmann2@gmail.com>
Sent: Friday, October 18, 2019 9:31 AM
To: Jung, Deb <djung@howardcountymd.gov>
Subject: Re: CB55

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

Hi Deb,

Can you provide any insight on who to focus on for any wavering votes on this bill? Also curious if you have any questions Deb.

Thanks much,

Rich

On Fri, Oct 11, 2019, 5:00 PM Jung, Deb <djung@howardcountymd.gov> wrote:

Hi Richard and Vanessa,

Thank you for your email. I am just in the beginning stages of evaluating Councilman Yungmann's bill, and I appreciate hearing your perspective. I hope you will come to the public hearing at the George Howard Building on October 21 to testify in front of the whole Council.

My best to you,

Deb

Deb Jung

Howard County Council

District 4

From: Richard D <rdeutschmann2@gmail.com>

Sent: Monday, October 7, 2019 9:59 AM

To: Rigby, Christiana <crigby@howardcountymd.gov>; Walsh, Elizabeth <ewalsh@howardcountymd.gov>; Jones, Opel <ojones@howardcountymd.gov>; Jung, Deb <djung@howardcountymd.gov>

Subject: CB55

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

Members of the Council -

We are writing in opposition to CB55, the so-called Commercial Solar Facility Conditional Use Interim Development Act. This is a dangerous bill, which is modeled after similar legislation that we are seeing across rural Maryland, and across rural America. As you all know, our planet is in crisis due to global climate change. We simply do not have time to debate the merits of solar energy, which is supported by vast majorities of Marylanders. As such we must get as much of this as possible operating to move us towards Renewable Energy future envisioned in the Clean Energy Jobs Act, passed out of the MD Legislature in 2019. Bills such as CB55 are meant to delay this clean energy future, and keep us on the track of using more and more fossil fuels to power our homes and businesses.

I do want to address one specific aspect of the opposition to community solar farms. As a retired solar development engineer, I have developed and overseen the construction and operation of several of these rural solar farms. Once in operation, they are hardly commercial facilities. Rather, a modern solar energy plant has the following characteristics not mentioned by the opposition:

- **Solar is quiet.** The only sound is the low hum of power transformers, similar to the green boxes in our neighborhoods, and power inverters, which you are unlikely to hear outside of the perimeter of the plant.
- **Solar sits low on the horizon.** The panels, racking, and inverters rarely reach 10' in height. Viewscapes beyond are preserved. Some plants do contain a few new power poles, to connect the output of the plant to existing interconnection facilities with the grid. Sometimes this is accomplished with underground conductors.
- **Solar construction must adhere to strict erosion control measures.** All plants in Maryland must meet the requirements of Maryland Department of the Environment (MDE).
- **Solar plants may include natives, pollinators or other low-profile growth.** Depending on the developer, it is in their interest to plant hardy, low height vegetation to keep invasives at bay, reduce erosion, and keeping the land and soil productive for the life of the plant. Other have contracted with local farmers to use goat herds, to control vegetation inside the fence.

In addition, solar plants keep the future open for agricultural use, while paying a premium to farmers for use of the land. This in turn reduces development, which has much longer-term implications for the land.

In closing, I urge all of you to oppose this backward-looking legislation, and embrace solar and other forms of renewable energy as an integral part of the solution we need to combat global climate change.

Thanks so much -

Richard & Vanessa Deutschmann

9485 Hickory Limb

Columbia, MD 21045

M – (410)707-4368

Sayers, Margery

From: Sayers, Margery
Sent: Tuesday, October 29, 2019 10:04 AM
To: CouncilMail
Subject: CB55-2019

Elmer Cameron
410-7496-3289
Has solar panels on his roof

Margery Sayers
Executive Assistant
Howard County Council
410-313-0832

Sayers, Margery

From: Singleton, Julia
Sent: Tuesday, October 29, 2019 9:56 AM
To: CouncilMail
Subject: Constituent Call - CB55 Opposition

Lawrence Barber (9608 Ashmede Dr) opposes CB55.
410-461-7868

Julia Singleton
Public Information Specialist
Howard County Council

410-313-2001
jsingleton@howardcountymd.gov

Sayers, Margery

From: Singleton, Julia
Sent: Tuesday, October 29, 2019 9:17 AM
To: CouncilMail
Subject: Constituent Call -- Oppose CB55

Donald Perry (Columbia resident) opposes CB55.
443-546-4757

Julia Singleton
Public Information Specialist
Howard County Council

410-313-2001
jsingleton@howardcountymd.gov

Sayers, Margery

From: Keith Ohlinger <kohlinger05@verizon.net>
Sent: Monday, October 28, 2019 12:03 PM
To: CouncilMail
Cc: kohlinger05@verizon.net
Subject: CB 55-2019, CR 133-2019 In Support Of.
Attachments: Alternative Energy - revised 7-1-19 MALPF.docx; CB 55-2019, CR 133-2019 Testimony Keith Ohlinger In Support of.docx

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

Dear Howard County Council:

Please accept my written testimony in support of CB 55-2019 and CR 133-2019. See you shortly!

Keith Ohlinger
Porch View Farm LLC
Cell # 240-893-1718

ALTERNATIVE ENERGY REQUESTS ON-FARM USES (NON-COMMERCIAL)

General Guidelines of Alternative Energy Requests (wind, solar, etc) on MALPF Easement properties for ON-FARM USES (agricultural and residential) – NOT COMMERCIAL OPERATIONS.

In order for the MALPF to consider the request, the following information will be needed. The big picture issues to address are if any acres are coming out of production, assurances that the majority of energy generated will only be used on-site, and is the power generated used only on the specific property for agricultural and/or residential uses of the easement property (or possible on another MALPF easement property owner same ownership). The MALPF Board allows for energy to be generated up to 125% of the on-site usage, with the landowner allowed to be reimbursed by the energy provider for the amount (up to 25%) of the excess power generated.

Documents needed to submit request to MALPF:

1. Request letter from landowner.
2. Maps showing location of placement of wind turbines/solar panels - what was that area previously used for (meaning, is land coming out of agricultural production to put in solar panels, including access to the solar panels).
3. How much energy will be generated from the alternate energy source - versus energy consumed on site.
4. Copies of a winter, spring, summer, fall electric bill to show Board amount of energy consumed on site –OR- a 12-month usage history, either as shown on the most recent energy bill, or provided by the energy provider within one month of the date of the request.
5. Explanation of the proposed use. If the energy produced is intended for consumption by properties other than the property on which the alternative energy source will be installed, the request will have to be considered by MALPF's Board of Trustees. MALPF Board approvals have been limited to: a) use on MALPF easement properties in common ownership with the property on which the proposed alternative energy source will be used; or 2) adjoining MALPF easement properties regardless of ownership.
6. Letter from alternative energy consultant/provider explaining the system they will create and how much energy it is estimated to produce in a year.
7. Local ag advisory board approval.

On January 28, 2014, the Board designated the authority to approve alternative energy requests for on-farm use to MALPF Staff if the request follows these guidelines and there is nothing about the request that is unique/outside of previously approved alternative energy installation approvals.

On February 28, 2017, the MALPF Board decided that roof-mounted solar systems for on-site residential and agricultural use only do not need to be approved by the Foundation.

CB 55-2019, CR 133-2019 In Support of

28 October 2019

Keith Ohlinger
2790 Florence Road
Woodbine, MD 21797

Dear Howard County Council:

Please accept this as my written testimony on CB 55-2019 and CR 133-2019. I am making this testimony as a private citizen.

Questions such as agricultural preservation, Tiers, and solar all stem from the fundamental issue that commodity crops are not paying the bills on farms anymore like they had 50 to 70 years ago. The crises we currently face in agriculture and those from the 1980's are all interrelated. A review of the 2017 Census of Agriculture Howard County Profile shows the situation quite well:

https://www.nass.usda.gov/Publications/AgCensus/2017/Online_Resources/County_Profiles/Maryland/cp24027.pdf

Kathy Johnson of HCEDA states that agriculture ranks in the top 5 industries in Howard County. It is the number one industry in the State of Maryland. However, as you heard in Mark Mullinix's testimony prices have remained stagnant for decades for many commodity crops. This is indicated by the total market value of products sold versus the net farm cash income, \$27,259,000 versus an average of \$6,513! The poverty level in Maryland is \$12,140 for a single person and \$25,100 for a family of four! This is what accounts for the drop in the number of farmers and for the data indicated under "Total Producers" from the 2017 Census. We have 178 farmers over 65, 316 between 35-64, and only 19 under 35 years old. In any biological group in nature these numbers are not sustainable for a population. I testified on the drop in the number of farmers and farms during the public hearing last Monday night. In the 1900 Ag Census there were 1214 farms in Howard County, the latest numbers from Kathy Johnson at HCEDA are 300 farms. The land farmed in 1900 was 146,039 acres and as of 2017 there was 32,436 acres farmed in the County with 22,349 of it preserved.

The challenge for you as elected officials in your Council career is: Do you want to preserve actual working agriculture in Howard County or do you want a bunch of millionaires pretending to farm? Millions of County dollars have been spent to preserve land for farming, but very little effort has been made to support the act of farming and fostering community support for the industry itself. Without a real and concerted effort, we will continue to die the death of a thousand cuts and eventually end up a mere green space program. If that is the effort you wish to exert, then I encourage you to allow solar coverage of 100% on agricultural easements in the County because then at least we will serve a useful purpose. I deeply hope instead that you will support actual working agriculture.

The Agricultural Land Preservation Easement language on our farm states:

Article III. Agricultural Uses and Activities

Agricultural uses are expressly permitted on the Preservation Easement Area and are defined in Section 15.502 of the Howard County Agricultural Land Preservation Act as follows:

“Agricultural use” means farming and includes:

- (1) Dairying, pasturage, growing crops, bee keeping, horticulture, floriculture, orchards, plant nurseries, viticulture, Silviculture, aquaculture, and animal and poultry husbandry;
- (2) The breeding, raising, training, and general care of livestock for uses other than food, such as sport or show purposes;
- (3) Construction and maintenance of barns, silos, and other similar structures, the use of farm machinery, the primary processing of agricultural products and the sale of agricultural products produced on the Property where the sales are made; and
- (4) Other uses directly related to or as an accessory use of the premises for farming and agricultural purposes.

There is no mention of solar power in the document. The only connection between the two is that solar is land intensive and farms have land. Farms do use power and having solar available to provide on farm power is reasonable. The person who testified on Monday night is to be applauded for her honesty and integrity. When Councilman Yungmann asked why solar needed to be on preserved land instead of all the other unpreserved land she stated “because it doesn’t pencil”. The power companies have no interest in the farmer, they are not trying to save a noble profession, it just makes them more money and the bigger project the better.

The original intent of the solar discussions statewide on Ag boards was to help supply farmers with an income on less productive land. If the poles were high enough animals could be grazed underneath, some shade tolerant crops could be grown. This “stacking” could help a great deal with profits. However, the greed of the power companies had none of that in mind. They put nondisclosure agreements on all parties, fenced in the parcels; put it in the center of farms to screen it from the neighbors, regardless of soil types, put the panels too low to be useful and told farmers to stay out. At best they planted unmanaged “pollinator habitats” which turned into weed lots without proper care. We certainly did not want to put farmers in competition with power companies and investors to purchase local farmland and that is exactly what we got!

Solar should be considered in an extractive resource category such as oil, natural gas, or coal found on a parcel of ag preserved land and managed as such. The bulk of the power should provide for the farm with minor overages sold off into the grid. The MALPF program has language for this:

Excavation; Surface and Subsurface Extraction.

The Land encumbered by this Easement includes all surface and subsurface rights By way of example and not limitation, these surface and subsurface rights include, all mining, drilling, and quarrying rights and all rights to excavate or remove subsurface oil, gas, sand, gravel, shale, limestone, crude petroleum, natural gas, clay, ceramic, fertilizer minerals and deep mined minerals, including bituminous coal. Grantor shall not sell, transfer, encumber, lease, or otherwise separate any mineral rights, currently owned or later acquired, from the Land without the express written approval of the Grantee. Grantor shall not grant any rights of ways, easements, or rights of entry, or physically establish roadways across the Land for purposes of

surface or subsurface excavation and mining, including drilling, on the Land or other lands. All manner of on-site surface excavation and mining, including drilling, is prohibited, except for customary Agricultural Uses consistent with the Plan required by Section H. of Article III. Off-site subsurface extraction may be permitted only if it originates outside a reasonable buffer from the Land's boundaries with the prior written approval of Grantee, and, if applicable, in accordance with Treasury Regulation 1.170A-14(g)(4). In contemplating approval of off-site subsurface extraction, Grantee shall consider whether the impact to the Land and the Agricultural productivity will be limited and localized, or will be irretrievably destructive of Conservation Values. Grantee may impose conditions on its approval of subsurface extraction.

I am attaching the MALPF language on solar as well. I believe the Howard County Ag Preservation Board has made reasonable steps to correct these issues in their new policy recommendations and I support CB 55-2019 and CR 133-2019. I believe the current 5 or 6 projects on the docket should be grandfathered in, given the work completed, I believe it is only fair. It sounds like the hiring of a Hearing Examiner is underway but I encourage this as quickly as is reasonably possible.

I recommend that the County Council and County Executive take steps to insure the future of agriculture in Howard County. We need a strong advocate to be there when the farmers individually cannot. I encourage the County to create a Department of Agriculture similar to Montgomery County. Kathy Johnson would be an excellent choice to head the Department. If she is unavailable, I respectfully submit myself for consideration.

The second need is a strategic plan for agriculture in the County. We have tried for this in the past and it was funded but when the administration changed and Jim Caldwell retired the project was pushed aside. The best we got was two sentences in the HCEDA Strategic Plan:

- Agricultural Marketing Program: Continue to work with the farming community as their constant advocate on agriculture-related legislation and business development. Provide support related to zoning, permitting, business planning, financing, grant writing, locally grown initiatives, and diversifying farm production.

A strong, regularly reviewed strategic plan will give clarity to leadership as to the state and direction of agriculture in the County prior to bills being filed and ideas being floated.

Thank you for your consideration in this matter, I urge your support of support CB 55-2019 and CR 133-2019, please feel free to contact me with any questions.

Very Truly Yours,

Keith Ohlinger

Sayers, Margery

From: Sayers, Margery
Sent: Monday, October 28, 2019 9:44 AM
To: CouncilMail
Subject: cb55-2019

Mr. Demarla is opposed to CB55-2019
301-498-9393

*Margery Sayers
Executive Assistant
Howard County Council
410-313-0832*

Sayers, Margery

From: joel hurewitz <joelhurewitz@gmail.com>
Sent: Sunday, October 27, 2019 7:24 PM
To: CouncilMail
Subject: CB55-2019 Preemption in Washington Co. v. Perennial Solar
Attachments: CB55-2019 County Solar Regulations Are Preempted.pdf

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

Dear Council,

Attached please find my testimony regarding the Court of Appeals ruling on the preemption of commercial solar.

In addition, below are some some links and additional information regarding the court opinion.

Sincerely,

Joel Hurewitz

Washington Co v. Perennial Solar

<https://law.justia.com/cases/maryland/court-of-appeals/2019/66-18.html>

MACo article:

<https://conduitstreet.mdcounties.org/2019/07/19/court-of-appeals-holds-solar-siting-decisions-are-made-by-the-state-not-by-local-zoning/>

Upcoming law conference:

2019 Agricultural and Environmental Law Conference

The Crowne Plaza, Annapolis, Maryland
November 14, 2019 8:00am - 3:00pm

Going Solar: The Roles of the Local and State Governments Post- Board of County Commissioners of Washington County v. Perennial Solar, LLC

9:15a.m. - 10:00 a.m.

Presenters:

Les Knapp, Legal & Policy Counsel, Maryland Association of Counties

Sondra McLemore, Assistant Attorney General, Maryland Energy Administration and DNR Power Plant Research Program (PPRP)

Ryan Showalter, Partner, McAllister, DeTar, Showalter & Walker

This panel will focus on the roles of the local and state governments in siting solar energy generating stations following the Court of Appeals' decision in *Board of County Commissioners of Washington County v. Perennial Solar, LLC*. The experts will explain how the opinion of the local jurisdiction factors into the Public Service Commission's decision-making process when deciding whether to approve a Certificate of Public Convenience and Necessity (CPCN) application for solar field installations.

[https://app.certain.com/accounts/register123/umd/events/umlaw-19/2019 Detailed Agenda and Panel Descriptions Rev20191008.pdf](https://app.certain.com/accounts/register123/umd/events/umlaw-19/2019%20Detailed%20Agenda%20and%20Panel%20Descriptions%20Rev20191008.pdf)

<https://app.certain.com/profile/form/index.cfm?PKformID=0x3050337fad2>

**CB55-2019 - The Maryland Court of Appeals Ruled That Counties are Preempted Regarding
Solar Energy Generating Systems Requiring a Certificate of Public Convenience and Necessity
and Preemption Might be Extended to Howard County's Proposed Moratorium
of Community Solar Energy Generating Systems**

Joel Hurewitz

October 27, 2019

In July 2019, the Maryland Court of Appeals ruled in *Washington County v. Perennial Solar (Perennial Solar)* that local land use authority was preempted by PU § 7-207 for solar energy generating systems requiring a certificate of public convenience and necessity (CPCN) from the Public Service Commission (PSC). Though the bill sponsor is aware of this court opinion, the failure to cite the case within the text of CB55 gives the legislation the imprimatur of legal sufficiency, authority, and practical effect which it does not deserve; Howard County's regulation of the siting of commercial solar energy generating systems (SEGS) are preempted by state law.

In its conclusion, the Court of Appeals stated:

PU § 7-207 [Generating stations or transmission lines -- General certification procedure] preempts by implication local zoning authority approval for the siting and location of generating stations which require a CPCN . The statute is comprehensive and grants the PSC broad authority to determine whether and where SEGS may be constructed. Local land use interests are specifically designated by statute as requiring “due consideration” by the PSC. This includes the recommendation of the governing body of each county or municipal corporation in which any portion of the construction of the generating station is proposed to be located, as well as due consideration by the PSC of the consistency of the application with the comprehensive plan and zoning for the respective local jurisdiction. Under the plain language of the statute, local government is a significant participant in the process, and local planning and zoning concerns are important in the PSC approval process. However, the ultimate decision-maker is the PSC, not the local government or local zoning board. Although local zoning laws are preempted and therefore not directly enforceable by the local governments as applied to generating stations such as SEGS, they are nevertheless a statutory factor requiring due consideration by the PSC in rendering its ultimate decision.

Comments during the public hearing, especially those from the bill sponsor, regarding solar and agricultural preservation regulations in other counties expressed an apparent naive understanding of a legacy of pre-*Perennial Solar* jurisprudence in a post-*Perennial Solar* world. The Perennial Solar project was located adjacent to a designated “rural village” which are defined in the Washington County Comprehensive Plans “as unincorporated areas of the county which 'are definable on the landscape and contribute to the unique character of Washington County.’” Slip Op. p. 3 footnote 4. Perennial Solar received a special exception for the SEGS in the Agricultural Zoning zoning district which “is intended to provide for continued farming activity and the many uses that do not require public water and sewage facilities and which may be more suitably located outside of the urban-type growth of the larger communities of the County.” Slip Op. p. 3. footnote 5. Moreover, the Court noted that as Maryland develops more solar “land use conflicts often arise, particularly in rural areas where land historically zoned for agricultural use is proposed as a site for large scale solar projects.” Slip Op. p. 17. Thus, the Court said, that counties such as Washington, Kent, and Queen Anne's had adopted local ordinances specifying locations for solar projects “and also adopted setbacks from neighboring properties and public roads, as well as rigorous landscaping and screening requirements intended to **preserve agricultural vistas and the views of neighboring property owners.**” Slip Op. p. 17-18 footnote 15 (emphasis added).

In addition, those waiting for the State Task Force fail to recognize that its recommendations for siting will be made post-*Perennial Solar*. The Court stated that the effect of the SEGS on esthetics and historic sites were among the factors that the PSC is to give “due consideration” as provided by the state law. Slip Op. p. 16-17. Yet, the PSC, and not the county, has the final determination on these factors. The import of the Court's ruling on land use issues is summarized in a MACo article discussing the case:

More Aggressive Solar Developers: The Court's holding could embolden some solar developers to minimize or even ignore local government zoning and land use concerns. The PSC becomes the main backstop in protecting local government interests against developers who fail to work with local governments.

<https://conduitstreet.mdcountries.org/2019/07/19/court-of-appeals-holds-solar-siting-decisions-are-made-by-the-state-not-by-local-zoning/>

Preemption Might Be Extended to Community Solar

Community solar does not require a CPCN from the PSC, but instead have a separate regulatory scheme. While the community solar legislation does not include the participation of the local government in the approval process or the legislative history relied upon by the Court, it does include a stated legislative intent regarding climate change referencing the State's renewable energy portfolio standard and the Greenhouse Gas Emissions Reduction Act which were discussed by the *Perennial Solar* Court.

The community solar is a pilot program which runs through 2024. One of the secondary factors the courts use in determining whether a local law is preempted by implication include whether it “would engender chaos and confusion.” The PSC is to study community solar during the pilot. If multiple counties were to place moratoriums on community solar, it could frustrate the pilot program's capacity and geographic determinations as established by the PSC, or even the ability of the pilot study to successfully continue.

Howard County might find itself the defendant in a lawsuit as it is forced to defend CB55 as the courts consider whether preemption also applies to a moratorium on community solar. The County has made climate change a major policy initiative as expressed by joining We Are Still In and by being the only government body to take the Natural and Working Lands Challenge. Litigation challenging CB55, could be costly, time consuming and counter productive to these efforts. One of the court opinions relied upon by the Court of Appeals was the case of *Howard County v. Potomac Electric Power Co.*, (1990) “preempted by implication county zoning ordinances regulating the location and construction of overhead transmission lines in excess of 69,000 volts.” Howard County need not be the party to a second major case in this electric power preemption area.

For these reasons, please vote NO on CB55-2019.

Sayers, Margery

From: Carolyn Parsa <carolyn.parsa@mdsierra.org>
Sent: Friday, October 25, 2019 2:28 PM
To: CouncilMail; Ball, Calvin
Subject: Testimony CB-55 & CR-133
Attachments: CB55 CR133.2019v6.docx

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

Please find attached testimony on CB-55 and CR-133 from the Howard County Sierra Club.

--
Carolyn Parsa
Sierra Club Howard County Chair

Sayers, Margery

From: warren wortman <wortmanwj@yahoo.com>
Sent: Friday, October 25, 2019 12:54 PM
To: CouncilMail
Subject: Oppose B55 and CR 133

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

Council Persons,

I urge you to oppose CB55 and CR133. With the urgency of the climate crisis, I see no reasonable logic placing a one-year moratorium on solar farms in the county.

Sincerely,

Warren Wortman
Columbia, MD resident

Sayers, Margery

From: Therese Myers <therese.myers.5421@gmail.com>
Sent: Thursday, October 24, 2019 12:28 PM
To: CouncilMail
Subject: Ag Pres Hearing Follow Up
Attachments: CommercialSolarFAQ.pdf; Merlin.png

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

Thank you Chairperson Christiana Mercer Rigby for reaching out to everyone for further information or resources. I know this is a complex issue, and I appreciate your comprehensive review in thinking about it. I was impressed at the hearing with the courtesy and respect you all showed everyone and that you really seemed to listen and care.

I have attached a document, relevant to the potential grandfathering issue, titled "COMMERCIAL SOLAR FACILITIES FAQ that the county made available at the June 2019 HCCA meeting where County Executive Ball was a guest. Please read the second to last paragraph. It appears the county admits it violated the code for the first four projects but will only follow the code for future cases. It is a basic principle of our American justice system, including at the county level, that the rule of law must be followed. These are cases seeking to allow commercial solar on land in Howard County's sacred land trust. The least we can do is require strict compliance with all requirements and that such compliance be demanded in each and every case. This is just one of so many deficiencies surrounding the botched roll out of the 2016 law.

The other enormous issue here is what is the role and relevancy of the agricultural preservation easements in these cases. The new regs require petitioners to attach it to their application to the Ag Board so presumably the 2016 lawmakers thought it relevant to the conditional use process. But is anyone even looking at them besides me?

I asked petitioners' attorney about the role and relevancy of the easement at the second Broadwater presubmission meeting. He had no answer and my question never found its way into the presubmission meeting minutes. One reason I asked is because at least some Ag Board members, in approving the Broadwater and Triple Creek Farm projects, were concerned about whether these CSF projects were appropriate uses under the easement. Ms. Levy assured them that there is a separate track for the County Executive's review. (June 18, 2019 Ag Board Minutes at p. 3.) This separate review by the County Executive assuaged the concern of Board Member Jones who stated that "she is pleased that the County Executive would be reviewing for easement consistency, noting that one of her initial concerns with this process was that they would have to find a way to implement the Zoning Regulations irrespective of whether they thought it was an appropriate use on the easement." (June 18, 2019 Ag Board Minutes at p. 4).

Here is the link to the June 18, 2019 Ag Board minutes:

<https://www.howardcountymd.gov/LinkClick.aspx?fileticket=dZWIOksIkik%3d&tabid=1631&portalid=0>

I asked the County Executive's office what his role is in reviewing the easements and whether he's reviewing the projects for consistency with the easement and, if so, whether the public could access his decisions.

His office emailed me back that all my questions should be answered in DPZ's CSF FAQ document (now revised to take out the troubling language referenced above). There is nothing whatsoever in that FAQ document that relates to or answers my simple questions. So I asked again if they could just ask him if he's reviewing them for consistency. No response.

I cannot comprehend how Calvin Ball, to the extent he's even reviewing these projects for consistency with the easement as the Ag Board has been told, could decide it is consistent to put COMMERCIAL solar on land subject to an easement that says "NO COMMERCIAL." These families received monetary compensation in exchange for their agreement not to develop the land for commercial uses. All 4 easements of the Ag Board approved projects state "This Easement shall exist in perpetuity and run with the entire acreage of the land." All four of these easements are pre-1993 easements which is another legal problem here. (Please review Howard County Code sec. 15-501: "The law in effect at the time an easement was acquired will continue to govern easements acquired before the effective date [May 1, 1993] of this act.")

Before my husband and I bought our Broadwater Lane property in 2007 we went to the Howard County zoning department and determined the farmland outside our front and side windows would remain agricultural in perpetuity. We relied on that information in making our decision to purchase. Please remember us and our neighbors when thinking about the fairness issue in sorting this all out. It's not only about fairness to farmers. And chain-link fencing and evergreens don't do the trick because Ag Pres is not only about the ground but also about aesthetic quality of life in Howard County and by providing needed open spaces, not fenced-in and blocked out spaces.

As you heard at the hearing, the Broadwater case is egregious. As Councilman Yungmann noted at the hearing there is practically no land left for farming once these solar panels go in. The conditional use plan has been revised at least twice since the Ag Board approved it and yet it's not required to go back for them to review. It might not be clear from the site plan but this project will require taking down quite a few trees to put in a new driveway the Ag Board required (on the pipestem lot to the house on the adjacent parcel). Please closely review the aerial view photo of Broadwater and imagine an overlay on that photo showing all the proposed solar panels. There are lots of woods and there is a BGE underground gas pipeline easement back there. And to top it off, this property still has the right to squeeze in a residential house somewhere on the limited amount of non-solar land left. (June 18, 2019 Ag Board Minutes at p. 4).

In answering the question about whether there are any environmentally sensitive areas in the vicinity of the property, petitioner affirmed as true and correct that it is unaware of any. (Petition, Q. 8(g)). Yet, there are environmentally sensitive areas right on the subject property. Please see second attachment. The blue represents a 100-year floodplain and the green represents US Fish & Wildlife Service freshwater forested/shrub wetlands.

The "farmer" who owns Broadwater, to my knowledge, has never lived there since I moved here in 2007. He lives in Chevy Chase in a \$3.3 million dollar house and I believe is a business person. If this project is approved it is likely a power company (or some third party financial entity) will own and operate this Ag Pres land. Something is wrong with this picture.

Thank you again for your consideration.
Therese Myers



COMMERCIAL SOLAR FACILITIES FAQ

How did commercial solar facilities (CSFs) on land that is encumbered with a Howard County cultural Land Preservation Program (ALPP) easement become an allowed Conditional Use (CU)?

County Executive Ball introduced Council Bill 59-2016 (CB 59-16) in September of 2016, while sitting on the County Council. The intent of CB 59-16 was: 1) to help ensure that Howard County's farms remain economically viable into the future through diversification and 2) to support Policy 4.12 of *PlanHoward*, which calls for the County to develop an energy plan that prepares for different future energy scenarios, outlines options for various kinds of future energy sustainability, promotes conservation and renewable resources, and sets targets to reduce greenhouse gases.

What are the size restrictions for a CSF on ALPP property?

The maximum size of a CSF is 75 acres notwithstanding the size of the parcel. The parcel on which the CSF is proposed must be a minimum of 10 acres in size. These are the same size restrictions as those that apply to encumbered properties in the RC and RR zoning districts. The Agricultural Preservation Board (APB) adopted a policy to guide their review of proposed CSF Conditional Uses. The policy states that the CSF Conditional area cannot exceed 34% of the property acreage.

What type of easement properties are eligible to apply for CU approval for a CSF?

Both purchased and dedicated ALPP properties are eligible to apply for a CSF. Agricultural preservation easements in the Maryland Agricultural Land Foundation Program (MALPF) are not eligible, as CSFs are not allowed on MALPF easements and CB 59-16 only applies to county easement properties.

What are the restrictions on ALPP purchased properties with active Installment Purchase Agreements?

The County has determined that establishing a CSF on properties with active Installment Purchase Agreements (IPAs) could create a federal tax liability for the County due to the tax-exempt status of the IPAs. To ensure that tax rules regulating the tax-exempt status are followed, the County, in consultation with its bond and tax counsel, decided that CSF CU petitions can be processed as long as construction of the CSF does not occur until the IPA has matured. Regardless of Conditional Use approval by the Hearing Authority, the County's final consent to operate a CSF on an ALPP Easement will not occur until the IPA's final maturity has been made.

What is the process for receiving APB review?

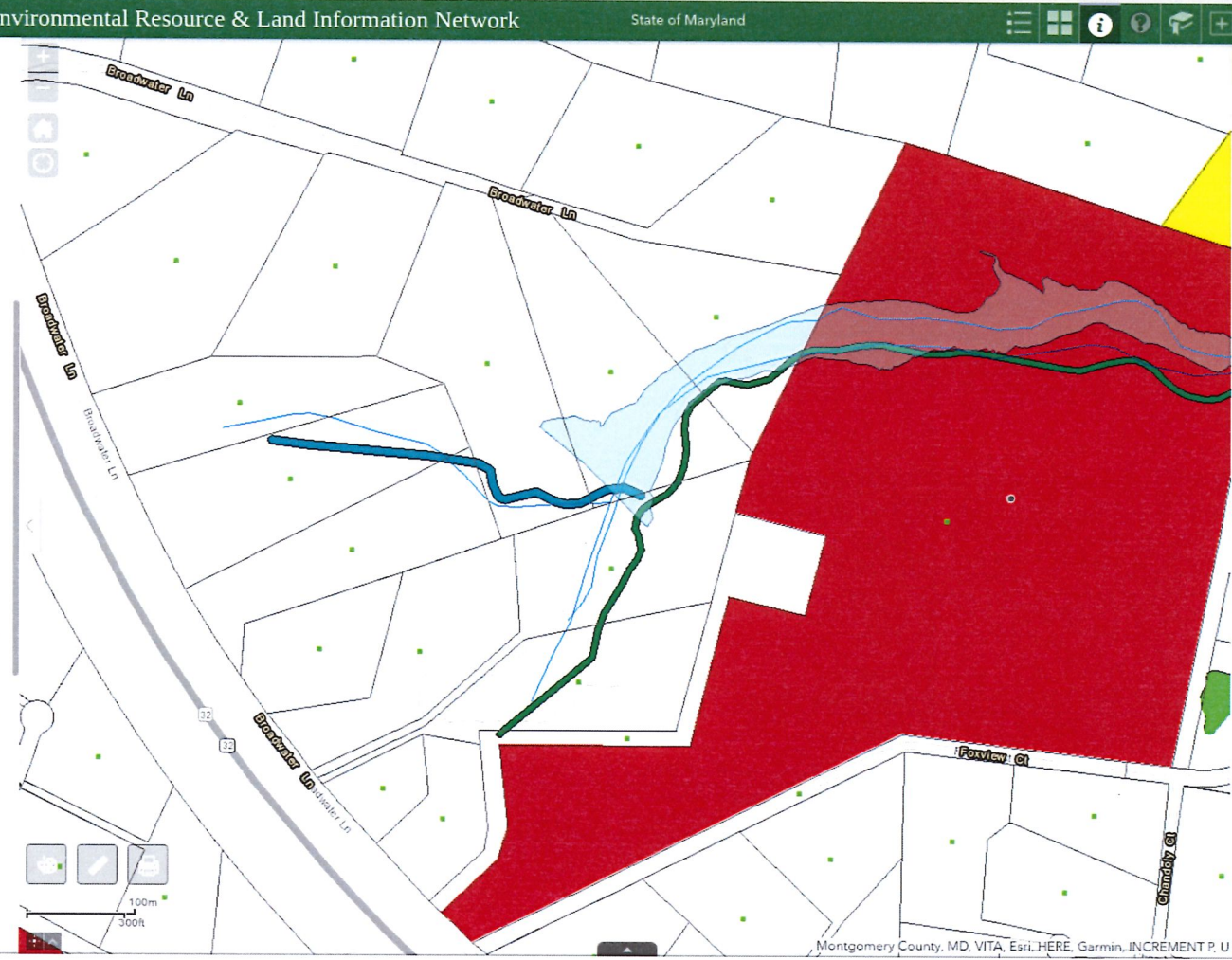
CB 59-16 provides that the APB shall review any CU Petition which proposes to build a new CSF on ALPP properties prior to CU approval. The petitioner must submit a proposed CU Plan for advisory review as to whether the siting of the CSF supports the primary agricultural purpose of the easement property or is an agricultural business which supports the economic viability of the farm. The APB's advisory review shall be in

writing and be made available at the pre-submission community meeting. The Department of Planning and Zoning's Technical Staff Report on the petition shall include an evaluation of and a recommendation on the APB's advisory review of the petition, and shall include the review as an attachment.

For past projects, the APB has provided a recommendation of approval or denial for proposed CSF Conditional Uses on ALPP properties. However, the APB has subsequently been instructed that the code requires they provide advisory comments and that their future review should be modified accordingly.

After the APB provides advisory comments on a CSF Petition, the Petitioner holds a pre-submission community meeting. At that meeting, the results of the APB review must be made available to the public. The Petitioner has one-year from the date of the pre-submission community meeting to submit their Conditional Use Petition.

- Living Resources
- Trail Data
- Floodplain
- Sea Level Rise Vulnerability
- Waterbodies
- Submerged Aquatic Vegetation
- Historical Submerged Aquatic Vegetation
- Critical Areas
- Wetlands
- Wetlands - U.S. Fish and Wildlife Service
- 1972 Wetland Maps
- Wildlands Preservation System
- Protected Lands
- SSURGO Soils
- Green Infrastructure
- DNR Focal Areas
- Federal Lands (Military and Non-Military)
- Land Use Land Cover - MD Dept of Planning
- Historical Land Use Land Cover
- Maryland Inventory of Historic Properties
- National Register of Historic Places
- MHT Preservation Easements
- Incentive Zones



Contact Information

Maryland's Environmental Resources and Land Information Network

MERLIN Online was originally developed back in the late 1990s to satisfy everyone's "hunger" for spatial data. It was created to help people make better informed decisions. MERLIN Online allows users to produce a custom map of any location in Maryland, to include their choice of base maps and data layers.

MERLIN online is a compilation of data from many sources.

MERLIN Online should be used for guidance purposes only.

MERLIN is part of the MD iMap mapping system. If the map or layers are not loading correctly, please check the MD iMap Twitter page for any service alerts that may be affecting map performance.

MD iMAP
 @MDiMAP
 MD iMAP: One Maryland, One Map. Service alerts and information on Maryland's Mapping system.
 Annapolis, MD
imap.maryland.gov

Contact Staff

Kevin J. Coyne
 MD Department of Natural Resources
 Natural Resources Information Services
 580 Taylor Avenue
 Tawes State Office Bldg.
 Annapolis, MD 21401
kevin.coyne@maryland.gov
 410-260-8985

Cynthia B. Powell
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 580 Taylor Avenue
 Tawes State Office Bldg.
 Annapolis, MD 21401
cynthiab.powell@maryland.gov
 410-260-8737

[Maryland Department of Natural Resources Web Page](#)

Sayers, Margery

From: Singleton, Julia
Sent: Thursday, October 24, 2019 10:19 AM
To: CouncilMail
Subject: Call - Opposes CB55

Scott Legrys
Columbia resident
443-535-9459

Opposes CB55-2019

Julia Singleton
Public Information Specialist
Howard County Council

410-313-2001
jsingleton@howardcountymd.gov

Sayers, Margery

From: Singleton, Julia
Sent: Thursday, October 24, 2019 9:11 AM
To: CouncilMail
Subject: Constituent Call - opposition to CB55

Peggy Hannon called to oppose CB55-2019
410-461-9230

- Julia

Julia Singleton
Public Information Specialist
Howard County Council

410-313-2001
jsingleton@howardcountymd.gov

Sayers, Margery

From: HoCoClimateAction <HoCoClimateAction@gmail.com>
Sent: Wednesday, October 23, 2019 5:15 PM
To: CouncilMail
Subject: Comments on CB55 and CR 133
Attachments: 2019 1021 HoCoCA comments opposing CB55 - bad solar bill .pdf

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

See comments attached - this is a .pdf of the written comments submitted on 10-21-19 for Howard County Climate Action

Ruth Alice White

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×tamp=1492532215477>

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

Sayers, Margery

From: Stefano Ratti <stefano.ratti@suneastpower.com>
Sent: Wednesday, October 23, 2019 4:20 PM
To: CouncilMail
Subject: Testimony on CB-55
Attachments: CB-55 Testimony.102119 For Official Record.pdf

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

Hello,

Please find attached written testimony on CB-55. I provided testimony on Monday, October 21st, and I would like to follow-up with this written testimony for the record.

Please confirm receipt and let me know if you have any question.

Best,

Stefano Ratti



Senior Consultant
SunEast Development
Phone: +1-202-792-4364

HOWARD COUNTY OCT 21, 2019 BOARD MEETING
Prepared Testimony by SunEast Development

Good evening. My name is Stefano Ratti, I am from Kensington, MD and I represent SunEast Development. SunEast is a solar development company based in Pennsylvania, although I am a long-time Maryland resident. SunEast has been developing solar projects since 2012. The management team at SunEast has extensive experience developing renewable energy projects, and so do I.

SunEast has been active in Howard County since late 2015. I remember standing in this very room in May 2016 and addressing questions on CB59 from the Planning Board. The legislation was passed by the County Council in October, and the SunEast team worked closely with the ALPB board during the four meetings between November 2016 and February 2017 when the Commercial Solar Facility Policy was established.

The proposed County Bill 55 suggests that the Commercial Solar Facility Policy puts Howard County farmland in jeopardy. Our message to the board then and to you now is that the development of Commercial Solar Facilities will not damage or degrade farmland, in fact it will recharge the land after it is fallow for twenty or more years. Solar projects require very little disturbance of the land and no loss of topsoil. Solar projects also allows farmers to diversify and provides them with an additional income stream, which allows them to keep farming viable on the balance of the land.

At the beginning of 2016, we began work developing a solar project on two parcels owned by the Streaker Family. The parcels provide an ideal location for solar, being bordered by Frederick Road and I-70. Over the past three years, we performed several development activities: we worked with BG&E on the electrical interconnection, we performed several site characterization studies, we developed a preliminary design, we procured financing, and worked with potential energy customers.

Earlier in 2019, we initiated the permitting process, within the guidelines and requirements established by CB59 and the Agricultural Land Preservation Board. In August 2019 we submitted pre-applications to the Board and have demonstrated

compliance with the CSF policy. We look forward to continuing the development process with the County.

Another feature of our project design is the creation of significant new pollinator habitat. As many of you may know, recent declines have been documented in pollinator populations, such as honeybees and monarch butterflies. Habitat loss and nutrition are leading causes of pollinator decline. Maryland has been particularly hard hit by the pollinator decline, which costs millions of dollars to farmers in decreased crop values. Maryland, along with Minnesota, is at the forefront of developing programs to fight the decline, and SunEast is an active member of the State board that established the Pollinator Habitat Plan.

When we were debating CB59-2016, the Planning Board asked me what would keep solar projects from overwhelming Howard County's farms. I answer then that there are very clear limitations to the development of solar projects; there is only so much energy carrying capacity in the rural grid, and there are only few suitable sites that are economically viable. Three years after the bill was passed, there are only five projects that have been put in front of the ALPB, and we are not aware of any other project coming up for review.

In making your decision, I would ask you that you carefully consider the facts I just outlined. Our team has spent countless hours and significant investment to develop these projects based on legislation and policies that have been established in the County since 2016. We hope that this Board will support investors who have invested in the County and allow us to continue development of these projects.

Sayers, Margery

From: Lisa Schlossnagle <lisabmrss@gmail.com>
Sent: Wednesday, October 23, 2019 8:43 AM
To: CouncilMail
Subject: Oppose CB55 - solar moratorium; Undeclared CR133 - solar task force

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

Dear Council,

Please vote no on CB55, the temporary moratorium on commercial solar facilities.

After watching the public hearing, I feel these are the most important points for you all to consider:

1. Institutions (including legislative bodies) as well as individuals need to do everything they can to reduce fossil fuel production and consumption. Instead, we all need to transition to clean, renewable energy sources. A moratorium on commercial solar facilities at this time seems illogical, unnecessary, and even damaging to the efforts to build a climate-change resilient county and state.
2. Everything Howie Feaga said.
3. The testimony from James Hurt about the financial realities of farming, which supports Ann Jones' testimony that "we need to encourage solar development that is ancillary to and compatible with the main farming operation."
4. The testimony from HoCoClimate Action.

CB55 seems to me like a solution in search of a problem. It should be voted down.

I am undeclared on CR133. On the one hand, it is clear that there is a need to study solar production projects in Howard County. Perhaps a task force is the best approach, perhaps not. I would not like to see a study or task force used to obstruct progress on reaching renewable energy goals. I would also find it very distressing if it had the impact of further pinching our local farmers' abilities to make profits and have sustainable businesses. In addition to the food, fuel, textiles, and recreation services farmers provide, their agricultural land also provides necessary ecosystem services. We want to encourage farming and encourage it to be ecologically and financially sustainable. Our energy and agricultural economies are changing, so our land use policies need to evolve as well. I'm not sure if a task force as specific as the one proposed in CR133 is the way to go, but I am certain you all need to continue study on all the involved pieces.

Sincerely,
Lisa Schlossnagle
Fulton, MD

Sayers, Margery

From: Rigby, Christiana
Sent: Tuesday, October 22, 2019 1:56 PM
To: Sayers, Margery
Subject: FW: Cb55 testimony

From: Teresa Stonesifer <stone1982sifer@verizon.net>
Sent: Tuesday, October 22, 2019 12:41 PM
To: Rigby, Christiana <crigby@howardcountymd.gov>
Subject: Cb55 testimony

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

Oct. 21, 2019

Dear County Council Members,

My Family and I are against this Bill CB55 2019.

We are currently waiting for our conditional use hearing to put solar on our farm and have been working on this now for over 3 years. With MD 32 taking 5 acres, two tornadoes in recent years taking out countless trees, fences and damaging our bank barn and one about 25 years ago, weather is always an issue in farming, the many local, state and federal regulations put on us, my husbands and my health issues, we looked to solar to help my sister and I improving our family farm and making it sustainable. We planned our solar project, so that we could continue our Beef Cattle and crop operation and are looking to do Bee keeping in the solar area. We passed hurdle after hurdle for the past 3 years and again we are faced with this new one. It is one thing to set rules and regulations, but another one to keep changing them and adding more and more. That is what has been done to us over the past three years. No wonder most give up and sell out. I guess I am too hard headed like my family, who have been rooted in Howard County for over 200 years.

Here is a brief outline of what has taken place so far to us:

2016 Solar companies came to us about leasing land for solar.

A bill was introduced and passed to allow Solar on Ag Preservation farms. This was after public and community testimony.

We took months to come up with a good contract with a solar company. This was not an easy decision for us to put solar on our farm. You see I was the first at seven years old to start our Angus beef herd from Dairy. The 8th Generation cow from that first one is still producing for us. My blood, sweat and tears have gone into this land along with my families. It was also a large financial cost for lawyers to get the contract hammered out. Coinciding during this period, the County decided to add to the bill or put restrictions on (not sure how that really was done) to have the preservation board come up with guidelines and criteria which you must comply with first, before applying for conditional use permit.

Our solar company and our family, along with opponents like Ted Mariani attended the meetings with the farm preservation board, to come up with the guidelines to regulate the solar on Farm Preservation Properties. This was many months about 6 or more to complete and get the guidelines done.

During the next few months other regulations were put in place by the County Executive and the County Government, to insure the integrity of the Preserved Farms. The county also mandated that all bond payments for preservation property had to be completely paid in order to have solar. All of this was months and even years apart being added one hurdle at a time. We would think we were OK for couple months and then new requirement would hit.

I met with Mr. Kittleman, who he agreed that we could proceed forward with our solar project provided, we understood that we would have to wait for a permit if we passed all hurdles, until August 2019, when the final payment of preservation money was paid.

Fyi: Denise and I didn't own the bond. The owner of the farm doesn't mean you were paid the preservation money. Secondly what was paid per acre 30 years ago doesn't compare to the money paid today.

Unfortunately, our original Solar company had major loss of a team member and with the County rules and regulations constantly changing and being added, they backed out of our project in early 2018.

We spoke to Power 52 about our project, since our farm was closest to the sub-station and we backed up to their other project at Nixon's Farm. This is the perfect location for a Solar Farm. We began contract negotiations again and repeating the application to the board for their approval.

We were approved by the board to move forward to conditional use fall/winter of 2018. The soonest date we could get to be heard was June 10, 2019 almost 6 months later. Our hearing was canceled a couple weeks before that, because the hearing examiner said we should have handed out written minutes from the farm preservation board meeting that approved our project, even though they were available online or by request. There was no opposition to our project at the Pre-Submission hearing.

We did a second Pre-submission meeting to disperse the minutes on July 11, 2019 and our hearing was rescheduled for July 31, 2019. That night is when I found out that the hearing examiner quit

causing our Conditional use hearing to be canceled again and the county had no one else to replace her. In Limbo again.

Months have gone by and we are finally rescheduled for a hearing on Nov. 20.

Now we have new obstacle. This bill to put moratorium on solar. No Grandfathering for ones who have passed Preservation and followed the rules and Regulations and are in the process.

Farming the sun is what Farmers do. What a great way to help struggling industry to supplement income to the farm. Clean renewable energy. Farming can still be done within the Solar array like Bee Keeping, which we are looking to do.

Cell towers are on Preserved farms, even though when my father was approached by cell companies the County told him wasn't allowed. But they are on Preserved farms now.

This is not a permanent structure like development and can be removed and taken down to be farmed in other ways in the future.

If Farm Preservation Ground is or was so important, where were you ALL to stop the State of Maryland from taking our land by Eminent Domain For 32?????

Solar is a way to support the farmers without handouts, putting us on the payroll as Park and Rec workers, even though my son, sister and myself already work off the farm to survive.

Things for you to ponder:

The closest stockyards to sell or buy livestock is Hagerstown MD, then Green Castle PA or Winchester VA.

There is only one Farm Machinery dealer in the county and who knows for how long. For Processing Meat, we go to Hagerstown or Emmitsburg because Truths and Mt. Airy locker is hard to get booked in, they don't process all animals and or can't handle our trucks and trailers. We just learned the Mill in Ellicott City that handles grain is now shutting down too.

We want to continue farming improving our farm and hand it down for generations to come and feel that our solar plan will help do this.

Thank You,
Teresa Stonesifer
Triple Creek Farm Properties LLC
12865 Frederick Rd. West Friendship, MD 21794
443-766-0223

Sayers, Margery

From: Dan O'Leary <danielol12832h@gmail.com>
Sent: Tuesday, October 22, 2019 12:09 PM
To: CouncilMail
Subject: Testimony Re: CB55 & CR133
Attachments: Testimony CB 55 DOL 191021 Written.pdf; Testimony DOL 160920.pdf

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

Dear Council Members:

Please see the attached written version of my testimony representing GHCA.

I am also attaching testimony I gave in 2016 regarding the costs and benefits in allowing CSFs on Ag. Pres. parcels, (CB59-2016). I hope it will give you some background and food for thought on the original debate.

Dan O'Leary
Chairman
Greater Highland Crossroads Association
301-854-9424

The logo features a yellow diamond with a black cross inside, positioned to the left of the text. The text "Greater Highland" is in a smaller, grey, serif font above the word "Crossroads", which is in a large, bold, black, serif font. Below "Crossroads" is the word "Association" in a smaller, grey, serif font.

Greater Highland Crossroads Association

October 22, 2019

To: All members of the Howard County Council

Re: CB55-2019 & CR133-2019

Dear Members of the Council:

Please accept this written version of the testimony I gave on October 21, 2019

GHCA has represented dues-paying families and businesses in the Greater Highland area since 2002. Membership is entirely voluntary. We are not an HOA.

I thank Mr. Yungmann for taking the lead on this issue of great importance to those of us in the RR zone which is more vulnerable to commercial uses than the RC because of its greater density. He has listened carefully, asked pointed questions, investigated, attended ALP Board meetings, and acted responsibly.

Please do not label us as opponents of solar or alternative energy sources. We are as concerned about the need to develop them as anyone in the county. However, there is no need to pit one program or objective against another. Why develop solar at the expense of the Ag. Pres. Program? Often government policy requires a balancing act to achieve conflicting goals. There is no need in this instance; the State task force recognizes and encourages alternative, BENIGN sites such as: commercial roofs, parking lots, and industrial zones. In short, there is no need to gut the Ag. Pres. Program. while imperiling neighboring property values and diminishing the neighbors' right to quiet enjoyment of their homes.

We are pro-solar and, but very worried that without this moratorium the Ag. Pres. Program is in danger of ruin.

GHCA and HCCA totally support the strong and reasoned testimony of Mr. Mariani. He characterized the delay to await the state's decision as "both prudent and logical. I go further. It is fair and equitable because it would suspend the 4 pending applications, which if approved, would enjoy a tremendous advantage over subsequent proposals which would be subject to much greater restrictions. This would be far from fair and equitable! These existing applications can only be dealt with by Council action.

Indeed, these 4 cases are the very reason for us being here tonight. Any consideration of grandfathering them would defeat the very purpose of the moratorium and would be a disaster for the Ag. Pres. Program!

Already, the ALP board has recognized the unintended consequences of their previously weak criteria and acted to limit further approvals by:

1. Reducing the maximum CSF to 10 acres or 10% whichever is less. (that would reduce the Broadwater proposal to 6 acres from 19)
2. Raising the requirement for Classes I-III from 50 to 60%.
3. Requiring that the applicant shall demonstrate that the solar is not sited on the most tillable, productive land.
4. Requiring that the applicant must make a good faith effort at minimum disruption to the agricultural operation.

Not one of the 4 current applications would meet more than one of these criteria. Broadwater Farm gets an F on all of them.

The best example of the flawed implementation of the program is the Broadwater farm on which more than 50% of the tillable land would be covered by solar, and the rest would be unused because the parcel would be owned by the power company, not by its current non-resident owner. The farm for all practical purposes would cease to exist.

I urge you recall the testimony of Therese Myers who is directly affected, and I urge you to listen to the solar proponents with the knowledge that if you vote yes, solar still has a bright future in alternative applications in Howard County while your yes vote will help in preserving western Howard's rural farm character.

As to the need for the task force, I could argue either side of the debate.

Task forces in the recent past have had mixed results and contentious sessions that rarely produced real consensus. Ask Mr. Mariani and Mr. Kohn, and others who have served on them for the real background.

On the other hand, the faulty criteria previously developed by the Ag Board was produced with little outside participation with poor results. I believe Mr. Yungmann thinks that community consensus is essential to reach a reasonable result. How can that be achieved without one affected resident on the force? Especially since 2 Ag, Board and 2 farmers, and 1 solar industry representative would dominate the discussion and vote. We would favor the task subject to amendments.

For that reason the resolution should be amended as proposed in detail by Mr. Mariani. The Task force needs careful composition and a concise mandate.

Task force should:

1. Add 3 resident members from the affected areas.
2. Not consider any CSF without conditional use.
3. Include, as appropriate, the state's findings and recommendations in the final county report.

I thank you for you attention and patience in reading through this. tomorrow.

I will be happy to answer any questions by email or phone.

Sincerely,
Dan O'Leary
danielo12832h@gmail.com
301-854-9424

The logo features a yellow diamond shape with a black cross inside. To the right of the diamond, the text "Greater Highland" is written in a smaller, grey, serif font. Below that, the word "Crossroads" is written in a large, bold, black, serif font. At the bottom, the word "Association" is written in a smaller, grey, serif font.

Greater Highland Crossroads Association

September 19, 2016
All Council Members,
Howard County Council
Howard County, Maryland

RE: CB 59-2016. ZRA-164

Dear Council Members,

Thank you for the opportunity to follow-up my oral testimony with this written version.

The GHCA board has voted to lend the strongest possible support to the comments and the position of CCWHC, as represented by Theodore Mariani, and others.

In taking this position, we are in danger of being labeled as ignorantly reactionary by virtue of being critical of the development of ALTERNATIVE ENERGY SOURCES -- a capital crime these days. We'll have to take the risk. We do applaud Dr. Ball's pursuit of alternatives, but at what cost? Let's sum up the costs:

Loss of the productive use of the farmland. In MD, agriculture is the 5th largest economic driver producing \$200M in sales from 335 farms. Maryland's top four crops are corn, soybeans, winter wheat and barley. These represent the vast majority of the production followed by fresh vegetables and orchards, **NONE** of these crops can be grown under or in solar installations. Yes, you might be able to raise goats, but in 2014 there were less than 15,000 goats in the whole state.

Loss of the rural agricultural character of the west. By abrogating the covenants and agreements between the farmers and the HC government, which really is an agreement between the citizens and taxpayers of the county and its farmers to maintain the rural agricultural character of the western part of the county, the Council will be acting in a legally questionable manner. These are valid, perpetual contracts. Are they so vulnerable to an ever-changing legislative body?

Loss of the already weakened trust of the citizenry. It violates the trust rightfully invested in the covenants by the citizenry in general and neighboring properties in particular. The skepticism of the citizenry with regard to the credibility and reliability of the zoning regulations, and the government in general will now be fully justified.

Loss to the taxpayer of stated purpose of the use of his hard-earned tax dollars. This loss could be significant. 300 million dollars has been devoted to the Agricultural Preservation Program. If you consider that there are close to 16,000 acres in the county program, the average cost is over \$18,000 per acre. This might be the biggest bait and switch, ever in HC.

Loss of the stated purposes of the preservation parcels in cluster development, open space for one.

The GHCA has long advocated -- unfortunately, unsuccessfully -- for strengthening the cluster development provisions which have been a dismal failure in promoting attractive, quality development that would enhance and sustain the **RURAL** character of the two rural zones: RR and RC. This is because the regulations are merely advisory in nature. All a developer need do is to assert he attempted to comply with the recommendations and he is in compliance. The result: the cheapest product in terms of infrastructure, landscaping, and placement of preservation parcels. **To further weaken the regulations by allowing commercial solar on preservation parcels, meant to enhance, screen and beautify developments and protect their neighbors, is absolutely contrary to the General Plan, the stated purposes of the RR and RC Zones, and the cluster provisions. It is destructive of natural beauty, wasteful, economically counter-productive, and it endangers the public trust. Please reject it as such.**

The only legitimate use of solar on a farm is truly accessory, i.e., to generate a substantial majority or 66% of the power for the farm itself.

Please vote no on this well-meaning, but poorly-conceived proposal.



Dan O'Leary,
Chairman of the Board,
GHCA

September 20, 2016

PS: I was disappointed that only one person made the point that there are more than enough acres of commercial roofs and parking lots to generate enough electricity to power all of Howard County, and less expensively because of the easy access to infrastructure. Basic Planning 101 dictates such an approach. The problem with the 3 or 5 minute limit to testimony is that it's impossible to give a comprehensive response to a proposal. Unfortunately, a dissenter must concentrate on weaknesses, get attention, and then hope for further debate.

PPS: Dr. Ball's question: "Would you prefer housing development or solar farms?" This confused me because I believed he was speaking in a broad sense that did not apply. We were debating the legitimate use of parcels already preserved. I should have answered that I preferred farming on preserved parcels as defined by the Program and the covenants implementing it.

Sayers, Margery

From: Singleton, Julia
Sent: Tuesday, October 22, 2019 10:07 AM
To: CouncilMail
Subject: CB55 Call to Oppose

Eric Humphreys – opposed to CB55-2019
410-730-8533

Julia Singleton
Public Information Specialist
Howard County Council

410-313-2001
jsingleton@howardcountymd.gov

Sayers, Margery

From: Sayers, Margery
Sent: Tuesday, October 22, 2019 9:13 AM
To: CouncilMail
Subject: CB55-2019 call to oppose

Jeffrey Morsten – opposed to bill
410-461-1938

Margery Sayers
Executive Assistant
Howard County Council
410-313-0832

Sayers, Margery

From: Liz Feighner <liz.feighner@gmail.com>
Sent: Monday, October 21, 2019 4:02 PM
To: Gelwicks, Colette; CouncilMail
Subject: Re: Opposition to CB55-2019

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

Thank you for letting me know that the attachment didn't come through. It was a word doc that was shared via google drive.

I will paste the testimony in this email:

I am writing in opposition to CB55-2019 that would impose a moratorium on commercial solar facilities on land zoned for agriculture in Howard County including Ag Preservation land.

We are in a climate crisis and we need to transition off fossil fuels to renewable energy immediately. Commercial solar facilities in Howard County support community solar, an important program established by the state of Maryland to provide residents the ability to go solar and support clean energy.

This bill states that commercial solar facilities (CSF) installed under current regulations are a "threat to the sustainability of the agricultural industry and the public health, safety and welfare." The real threat is the climate crisis, and CSFs are part of the solution.. The U.N. Intergovernmental Panel on Climate Change "Climate Change and Land" report says climate change threatens our food supply "through increasing temperatures, changing precipitation patterns, and greater frequency of some extreme events." The climate crisis is also making farming riskier than ever. Providing farmers with a steady income from a CSF will help keep family farms from being sold to developers - a permanent loss of the land. Land used to host a CSF can easily be restored after the leasing period is over. In addition, combining solar with pollinator friendly plants is a win-win for the decimated pollinator colonies and the agriculture community that depends on healthy pollinators.

This moratorium goes against Policy 4.12 of PlanHoward 2030, which calls for the county to develop an energy plan that prepares for future energy scenarios, examines options for energy sustainability, promotes conservation and renewable resources, and sets targets to reduce greenhouse gases.

The proposed moratorium on CSFs on agricultural preservation land is also an unnecessary burden for farmers. Many restrictions for conditional use are already in place, as each CSF must undergo an extensive review process before the Agricultural Land Preservation Board as well as other county agencies.

The climate crisis and this moratorium are the real threats to the "sustainability of the agricultural industry and the public health, safety and welfare." Farming the sun is a win for family farms and the planet. Please oppose CB55-2019.

Respectfully,

Liz Feighner
10306 Champions Way
Laurel, MD 20723
Howard County District 3

On Mon, Oct 21, 2019 at 21:55 Gelwicks, Colette <cgelwicks@howardcountymd.gov> wrote:

Good afternoon,

Thank you for your email, however, there was no attachment with testimony!

Kind regards,

Colette Gelwicks

Special Assistant

Pronouns: she/her/hers

Councilwoman Christiana Mercer Rigby, District 3

Howard County Council

[3430 Court House Drive, Ellicott City, MD 21043](#)

cgelwicks@howardcountymd.gov

410.313.2421



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From: Liz Feighner <liz.feighner@gmail.com>

Sent: Monday, October 21, 2019 12:44 PM

To: Rigby, Christiana <crigby@howardcountymd.gov>; CouncilMail <CouncilMail@howardcountymd.gov>

Subject: Opposition to CB55-2019

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

Dear Howard County Council,

Please accept my written testimony which is attached to this email. Please vote no on CB55-2019.

Regards,

Liz Feighner

[10306 Champions Way](#)

[Laurel, MD 20723](#)

District 3

Liz.feighner@gmail.com



Opposition to CB55-2019.docx