

Introduced October 7, 2019
Public Hearing October 21, 2019
Council Action November 4, 2019
Executive Action _____
Effective Date _____

County Council of Howard County, Maryland

2019 Legislative Session

Legislative Day No. 12

Bill No. 55 -2019

Introduced by: David Yungmann

AN ACT establishing the temporary Commercial Solar Facility Conditional Use Interim Development Act; temporarily prohibiting certain Conditional Use petitions for proposed Conditional Use approvals for Commercial Solar Facility; finding that such petitions, if approved under the current Zoning Regulations, could lead to development incompatible with surrounding agricultural uses; finding that the potential incompatibility represents a threat to the sustainability of the agricultural industry and its impact on public health, safety and welfare; providing that the purposes of this Act are to provide the Commercial Solar Facilities Task Force with time to study the deficiencies in the Commercial Solar Facility Conditional Use, investigate alternatives and make recommendations for improvement and give the County Council time to act on the recommendations; providing that this Act shall be abrogated and of no further force and effect after a certain period; and generally relating to zoning and land use.

Introduced and read first time October 7, 2019. Ordered posted and hearing scheduled.

By order

Diane Schwartz Jones
Diane Schwartz Jones, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on October 21, 2019.

By order

Diane Schwartz Jones
Diane Schwartz Jones, Administrator

This Bill was read the third time on November 4, 2019 and Passed _____, Passed with amendments _____, Failed X.

By order

Diane Schwartz Jones
Diane Schwartz Jones, Administrator

Sealed with the County Seal and presented to the County Executive for approval this _____ day of _____, 2019 at ___ a.m./p.m.

By order

Diane Schwartz Jones, Administrator

Approved/Vetoed by the County Executive _____, 2019

Calvin Ball, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; Text in small capitals indicates additions to existing law; Strike-out indicates material deleted by amendment; Underlining indicates material added by amendment.

1 **WHEREAS**, it is widely recognized throughout the world that clean, renewable energy sources
2 are essential to ensure that there is diversity in the nation’s energy supply, thus strengthening the
3 country’s energy security; and
4

5 **WHEREAS**, the three main pillars of renewable energy: hydro, wind, and solar have
6 experienced tremendous growth in this country, with U.S. renewable electricity generation nearly
7 doubling since 2008 according to the U.S. Energy Information Administration; and
8

9 **WHEREAS**, in 2012 the County Council approved Zoning Regulation Amendment (ZRA) 142,
10 which allowed commercial solar facilities to be established by Conditional Use under certain
11 conditions in the Rural Conservation (RC) and Rural Residential (RR) zoning districts, excluding
12 preservation and environmental easement parcels; and
13

14 **WHEREAS**, in 2016 the County Council approved Zoning Regulation Amendment (ZRA) 164,
15 allowing the facilities to be established on agricultural and environmental preserved parcels by
16 Conditional Use under certain conditions in the RC and RR zoning districts; and
17

18 **WHEREAS**, Conditional Uses are authorized in specified zoning districts based on the
19 presumption that they are generally appropriate and compatible in the specified districts but are
20 not permitted automatically as they are subject to the regulations of Section 131 of the Zoning
21 Regulations and to the conditions imposed by the Hearing Authority upon its approval of the
22 proposed Conditional Use; and
23

24 **WHEREAS**, according to the Howard County Zoning Regulations, the RC and RR zoning
25 districts, particularly on the agricultural and environmental easements, have been “...established
26 to conserve farmland and to encourage agricultural activities, thereby helping to ensure that
27 commercial agriculture will continue as a long-term land use and a viable economic activity
28 within the County”; and
29

30 **WHEREAS**, to build commercial solar facilities, a large area of land is required, which may
31 possibly interfere with the existing land uses and potentially result in the clearing and grading of

1 land, which can cause soil compaction, erosion, and alteration of drainage channels; and

2

3 **WHEREAS**, recently Howard County has mirrored the national trend of tremendous growth in
4 the number of commercial solar facilities, as evident by four commercial solar facilities currently
5 seeking County approval and two others beginning the approval process; and

6

7 **WHEREAS**, Maryland's Governor Hogan states in his Executive Order (01.01.2019.09), which
8 establishes a Task Force on Renewable Energy Development and Siting, that "The State must
9 work aggressively to diversify, expand, and sustain its clean and renewable energy capabilities
10 while balancing, enhancing, and safeguarding Maryland's cultural heritage, economy,
11 environment, natural resources, and view-sheds;"; and

12

13 **WHEREAS**, the State's Task Force on Renewable Energy Development and Siting is charged
14 with making recommendations to the Governor that could be considered as legislation in the
15 2020 General Assembly session that would encourage the responsible siting of clean and
16 renewable energy projects; and

17

18 **WHEREAS**, Howard County government understands the importance balancing the need for
19 alternative sources of income for famers in Howard County and the importance of clean energy,
20 while trying to conserve prime Howard County farmland and preserving the agricultural
21 industry; and

22

23 **WHEREAS**, the Howard County Council, through a companion resolution, is requesting that the
24 Administration establish a Commercial Solar Facilities Task Force to examine the current
25 Commercial Solar Facilities policy, specifically the use on agricultural and environmental
26 easements; and

27

28 **WHEREAS**, due to the potential land use changes that may be necessary for Commercial Solar
29 Facilities in response to the recommendations requested by this Bill and because the State is
30 Maryland will be taking action in the 2020 Session of the General Assembly, it is imperative that
31 the County have sufficient time to consider and act on any recommendation concerning changes

1 to Commercial Solar Facilities.

2

3 **NOW THEREFORE,**

4

5 *Section 1. Be It Enacted by the County Council of Howard County, Maryland that a temporary*
6 *Interim Development Act on the approval of petitions for Commercial Solar Facility Conditional*
7 *Uses to allow sufficient time for consideration of potential amendments to the Zoning*
8 *Regulations applicable to those petitions is hereby established.*

9

10 *Section 2. And Be It Further Enacted by the County Council of Howard County, Maryland*
11 *that:*

12 A. *Short Title.* This Act shall be known as the Commercial Solar Facility
13 Conditional Use Interim Development Act.

14 B. *Purpose.* There are several Commercial Solar Facility Conditional Use petitions
15 for properties located in the Rural Conservation (RC) and Rural Residential (RR) zoning districts
16 to be scheduled before the Hearing Examiner, and it is anticipated that the County may receive a
17 number of additional petitions for Commercial Solar Facility Conditional Uses. These
18 conditional use petitions, if considered and approved under the present criteria in the Zoning
19 Regulations, could lead to development which would be incompatible with surrounding
20 agricultural uses. There is a threat to the sustainability of the agricultural industry and the public
21 health, safety and welfare if conditional use petitions, as defined in this Act, were approved
22 under the current criteria in the Zoning Regulations. This Interim Development Act is necessary:

23 (1) To provide the Commercial Solar Facility Task Force time to study the
24 deficiencies in the Commercial Solar Facility Conditional Use and recommend revisions and
25 improvements; and

26 (2) To provide the County Council time to correct those deficiencies before a
27 conditional use petition as defined in this Act is considered by the Hearing Examiner or Board of
28 Appeals.

29 C. *Definition.* For purposes of this Act, a “conditional use petition” is an application
30 for a proposed Commercial Solar Facility Conditional Use located in the Rural Conservation
31 (RC) and Rural Residential (RR) zoning districts.

1 D. *Conditional Use Petition.* The Department of Planning and Zoning shall not
2 accept any conditional use petitions, as defined above, on or after the effective date of this Act
3 nor shall the Planning Board make recommendations on conditional use petitions, as defined
4 above, on or after the effective date of this Act. Conditional use petitions, as defined above, filed
5 before the effective date of this Act may proceed only through recommendations by the
6 Department of Planning and Zoning and the Agricultural Preservation Board, and will not be
7 considered by the Hearing Examiner or Board of Appeals until the expiration of this Act as
8 provided below.

9 E. *Effective Date.* This Act is adopted as an interim measure and shall be in effect
10 for one year from its effective date, and, at the end of that day, with no further action required by
11 the County Council, this Act shall be abrogated and of no further force and effect.

12

13 ***Section 3. And Be It Further Enacted by the County Council of Howard County, Maryland that***
14 *this Act shall become effective 61 days after its enactment.*

15

Amendment 1 to Council Bill No. 55

BY: David Yungmann

Legislative Day 13

Date: November 4, 2019

Amendment No. 1

*(Clarifies that the Interim Development Act applies to Commercial Solar Facilities Conditional
Uses on agriculturally preserved parcels.)*

1 On the title page, in lines 2 and 3 of the title, before the semi-colons, insert "on parcels with
2 agricultural preservation program easements".

3
4 On page 3, in line 7, after "Uses", insert "on parcels with agricultural preservation program
5 easements".

6
7
8 On page 3, in lines 15 and 30, after "located", insert "on parcels with agricultural preservation
9 program easements".

ADOPTED November 4, 2019

FAILED _____
SIGNATURE Diane A. Jones

Amendment 2 to Council Bill No. 55

BY: David Yungmann

Legislative Day 13

Date: November 4, 2019

Amendment No. 2

(This amendment establishes a grandfathering clause for Commercial Solar projects that have conducted a presubmission community meeting prior to November 4, 2019.)

1 On the title page, in line 11 of the title, before “and”, insert “establishes a grandfathering clause
2 for certain Commercial Solar projects.”.

3
4 On page 4, immediately following line 12, insert the following:
5 “Section 3. And Be It Further Enacted by the County Council of Howard County,
6 Maryland, that the provisions of this Interim Development Act, shall not apply to any
7 property for which a presubmission community meeting for a commercial solar facility
8 conditional use petition has been conducted prior to November 4, 2019.”.

9
10 On page 4, in line 13, strike “3” and substitute “4”.

11
12

ADOPTED November 4, 2019
FAILED _____
SIGNATURE Diane J. Jones

Amendment 1 to Council Bill No. 55

BY: David Yungmann

Legislative Day 13

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11

12

Sayers, Margery

From: Sayers, Margery
Sent: Monday, November 4, 2019 3:26 PM
To: CouncilMail
Subject: CB55-2019

Is in favor of solar energy
Nancy Rhead
410-730-4632

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

Sayers, Margery

From: Laurie Bulka <lbulka@verizon.net>
Sent: Monday, November 4, 2019 7:37 AM
To: CouncilMail
Subject: Oppose CB55 and CR133

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

I know you are voting today. Please do the right thing in opposing these backward bills!!!

Sent from AOL Mobile Mail
Get the new AOL app: mail.mobile.aol.com

Sayers, Margery

From: Chuck Carter <roadrunnersva144@hotmail.com>
Sent: Saturday, November 2, 2019 3:34 PM
Subject: Environment Protection & Common Sense

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

Environment Protection & Common Sense

Solar Panels

More than 2 million Californians were recently left without power after the state's largest utility, Pacific Gas and Electric -- which filed for bankruptcy earlier this year -- preemptively shut down transmission lines in fear that they might spark fires during periods of high autumn winds.

GUESS WHAT - Solar Panels turned off too, because of safety. preventing electricity from feeding back into the circuits. Solar Panels tuned off, and no one could access their very own solar panels. No charging electric vehicles, no solar produced electricity to run homes refrigeration etc.

Consumers blame the state for not cleaning up dead trees and brush, along with the utility companies for not updating their ossified equipment. The power companies in turn fault the state for so over-regulating utilities that they had no resources to modernize their grids. ie. Deregulation removed workers to maintain systems.

Have you taken to look at the parklands around the community. The trees alongside roadways. How many damaged, dead or dying trees are in the woods. How large is the fire load in these woods. In most places I look the fire loading as huge. As you drive along how badly are trees impacting power lines, and other utilities. I see countless trees near wires, leaning on phone cables, or just leaning over the roadways. Just a storm away from crashing down blocking roadways. crushing drivers. or taking out utility poles and wires.

We think California is bad, take a look at where you live and drive. Deferred maintenance is ramped. Guy wired broken, not supporting electric poles.

Wires sagging, drooping etc. All kind of messed up, like the phone and cable boxes beside roadways with covers off or missing. Many damaged from vehicles.

Water systems are equally bad, many pumps have no back up generator to keep them operating when power is out.

I see lots of places that have no municipal fuel pumps for fire & police.

When the power goes out, gas stations loose power too, and no fuel for emergency vehicles.

But cities want to protect the community by banning plastic straws or bags.

Do you know paper straws can not be recycled. oops.

But we do paint roadways with environmentally friendly paint, that vanishes when wet.

Many busy roads do not have reflectors because the rule book does not require them.

Rules are a minimum, you can exceed these minimum requirements for safety.

Have you looked at your gas nozzle when filling up. Where is the vapor collection part of the nozzle to collect all the vapors from the fuel tank. Many places that are so vocal on protecting the environment are inadequate on this simple measure that has been around since the 1980's.

Stations do not even have the plumbing for this vapor recovery system, because "it was not required".

Taxpayers in California, whose basket of sales, gasoline and income taxes is the highest in the nation, quietly seethe while immobile on antiquated freeways that are crowded, dangerous and under nonstop makeshift repair.

Gas prices of \$4 to \$5 a gallon -- the result of high taxes, hyper-regulation and green mandates -- add insult to the injury of stalled commuters. Gas tax increases ostensibly intended to fund freeway expansion and repair continue to be diverted to the state's failing rail project. ie. Railroads pay taxes on their right-of-way.

Residents shrug that the state's public schools are among the weakest in the nation, often ranking in the bottom quadrant in standardized test scores. ie. Common Core and Woke Math.

Elites publicly oppose charter schools but often put their own kids in private academies.

Californians know that to venture into a typical municipal emergency room is to descend into a modern Dante's Inferno. Medical facilities are overcrowded. They can be as unpleasant as they are bankrupting to the vanishing middle class that must face exorbitant charges to bring in an injured or sick child.

No one would dare to connect the crumbling infrastructure, poor schools and failing public health care with the non-enforcement of immigration laws, which has led to a massive influx of undocumented immigrants from the poorest regions of the world, who often arrive without fluency in English or a high-school education.

Stores are occasionally hit by swarming looters.

Such Wild West criminals know how to keep their thefts under \$950, ensuring that such "misdemeanors" do not warrant police attention. California's permissive laws have decriminalized thefts and break-ins. The result is that San Francisco now has the highest property crime rate per capita in the nation. But you can not provide an accurate description of the criminal, because it is a slur to someone.

Has California become premodern?

Millions of fed-up middle-class taxpayers have fled the state.

Their presence as a stabilizing influence is sorely missed.

About one-third of the nation's welfare recipients live in California.

Millions of poor newcomers require enormously expensive state health, housing, education, legal and law-enforcement services.

California is now a one-party state. Democrats have supermajorities in both houses of the legislature. Only seven of the state's 53 congressional seats are held by Republicans.

The result is that there is no credible check on a mostly coastal majority.

Huge global wealth in high-tech, finance, trade and academia poured into the coastal corridor, creating a new nobility with unprecedented riches. Unfortunately, the new aristocracy adopted mindsets antithetical to the general welfare of Californians living outside their coastal enclaves. The nobodies have struggled to buy high-priced gas, pay exorbitant power bills and deal with shoddy infrastructure -- all of which resulted from the policies of the distant somebodies.

California's three most powerful politicians -- House Speaker Nancy Pelosi, Sen. Dianne Feinstein and Gov. Gavin Newsom -- are all multimillionaires. Their lives, homes and privileges bear no resemblance to those of the Californians living with the consequences of their misguided policies and agendas.

The state's elite took revolving-door entries and exits for granted. They assumed that California was so naturally rich, beautiful and well-endowed that there would always be thousands of newcomers who would queue up for the weather, the shore, the mountains and the hip culture.

Yet California is nearing the logical limits of progressive adventurism in policy and politics.

Residents carefully plan long highway trips as if they were ancient explorers charting dangerous routes. Tourists warily enter downtown Los Angeles or San Francisco as if visiting a politically unstable nation.

Insatiable state tax collectors and agencies are viewed by the public as if they were corrupt officials of Third World countries seeking bribes. Californians flip their switches unsure of whether the lights will go on. Many are careful about what they say, terrified of progressive thought police who seem more worried about critics than criminals.

Our resolute ancestors took a century to turn a wilderness into California.

Our irresolute generation in just a decade or two has been turning California into a wilderness.

As I have said many times, wind and sunshine may be free,

renewable, sustainable and eco-friendly.

But the turbines, solar panels, transmission lines, lands, raw materials and dead birds required to harness this widely dispersed, intermittent, weather-dependent energy to benefit humanity absolutely are not. In Virginia hundreds of acres of forest were chopped down, to make room for a solar energy farm.

Sayers, Margery

From: Gelwicks, Colette
Sent: Friday, November 1, 2019 10:18 AM
To: Sayers, Margery
Subject: FW: Bill CB55-2019

From: Jamie Hobbs <jamierene3@yahoo.com>
Sent: Friday, November 1, 2019 2:21 AM
To: Walsh, Elizabeth <ewalsh@howardcountymd.gov>; Jones, Opel <ojones@howardcountymd.gov>; Rigby, Christiana <crigby@howardcountymd.gov>; Jung, Deb <djung@howardcountymd.gov>
Subject: Bill CB55-2019

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

I understand that there is an anti-renewable solar energy bill, CB55-2019, that would place a moratorium on the development of solar energy projects here in Howard County. I feel this bill would erode my rights as a property owner and would halt local renewable solar energy deployment. Please vote "NO" on bill CB55-2019.

A moratorium would penalize local BGE customers and landowners. This bill would stop the development of community solar projects in Howard County and reduce the number of customers who can sign up for community solar. It seems unfair to deny residents the opportunity to save money on their electric bills and support our environment. Community solar would also give farmers who lease their land for solar a new source of revenue for which we can then reinvest back into our farmland.

A moratorium benefits fossil fuels. Community solar projects have the potential to avoid literally hundreds of thousands of metric tons of air pollution. The clock is ticking and the time is now to pursue this clean energy solution that will benefit us all. Please allow community solar projects to be developed now by voting "NO" on bill CB55-2019.

As a resident of District 5 and a property owner here in Howard County, I would appreciate your consideration concerning this important issue.

Thank you, John and Jamie Hobbs

CB55-2019

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 re 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 (CSF) 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 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.mdcounties.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=dZWl0kslkik%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 properties 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 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 Board, 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 well as show that 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.

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



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 grand-fathering 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
danielol12832h@gmail.com
301-854-9424



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?

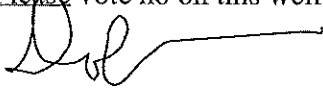
Loss of the already weakened trust of the citizenry. It violates the trust rightfully invested in the covenants by the citizenry in general and neighboring properties in particular. The skepticism of the citizenry with regard to the credibility and reliability of the zoning regulations, and the government 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 questioned: "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



[Sign up for our newsletter!](#)

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

Projected Solar Farm Broadwater lane Clarksville MD

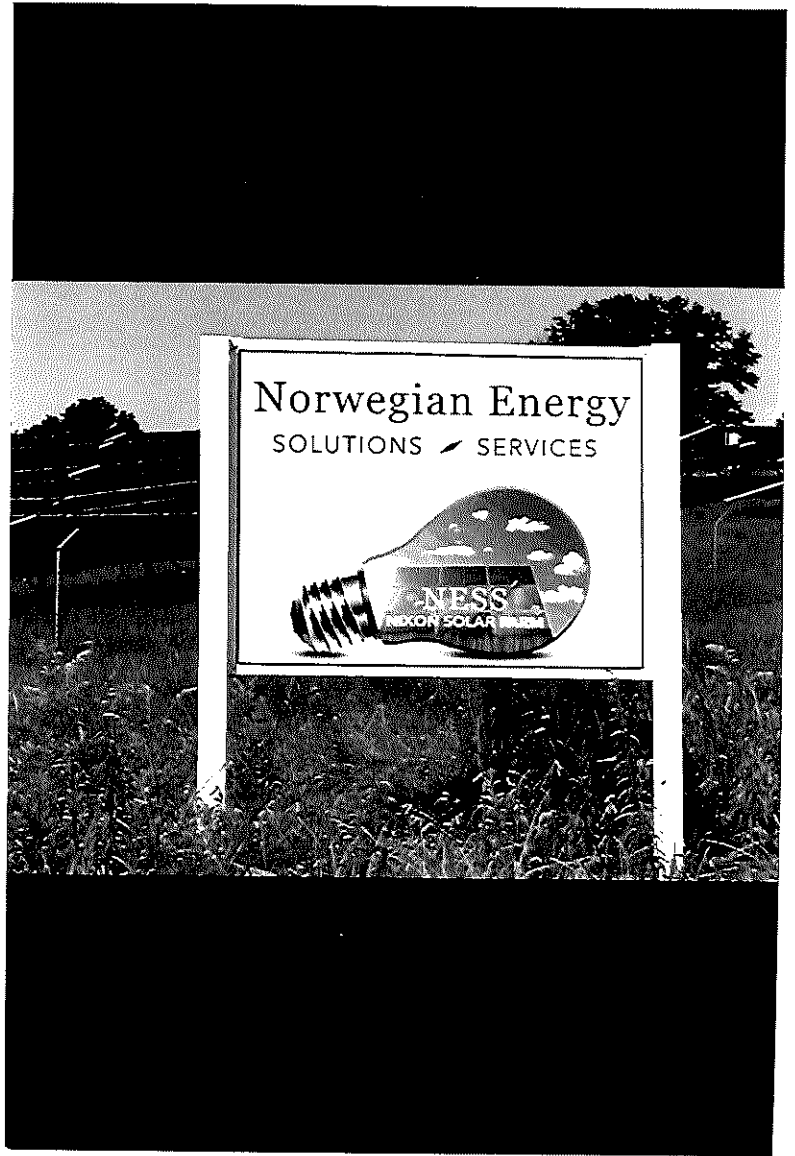
Unkept Property at Nixon Farm "Power 52"

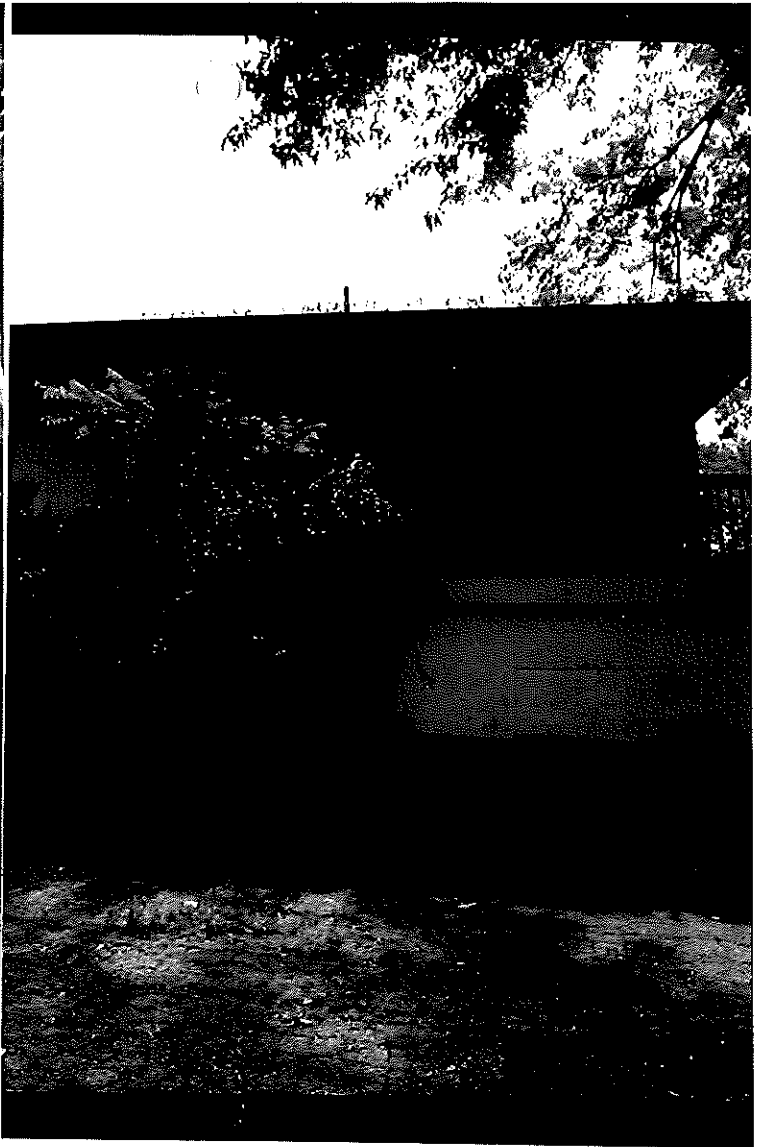
- Power 52 Solar Farm @ Nixon Farm Unkept Property!
- Power 52 Broken down Van
- Power 52 milk crates on top of post
- Power 52 weeds overgrowing out of gutters on in use structure.
- Power 52 graveyard of tables form Nixon farm
- Power 52 left over trailers from work site still on site.
- Road to farm in poor condition!

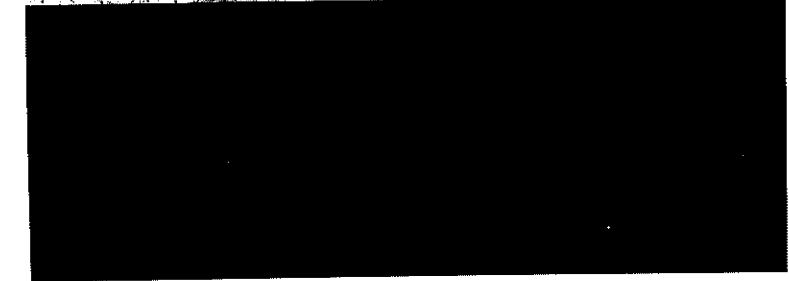
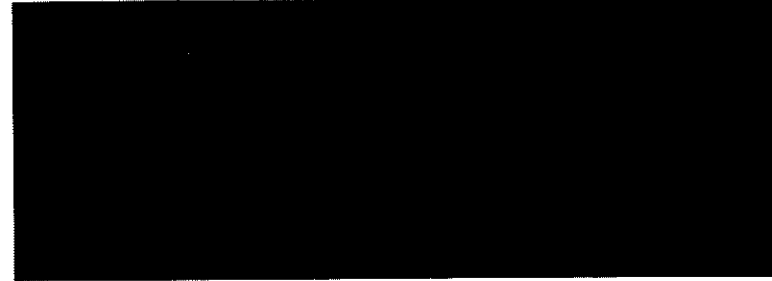
Photos provide

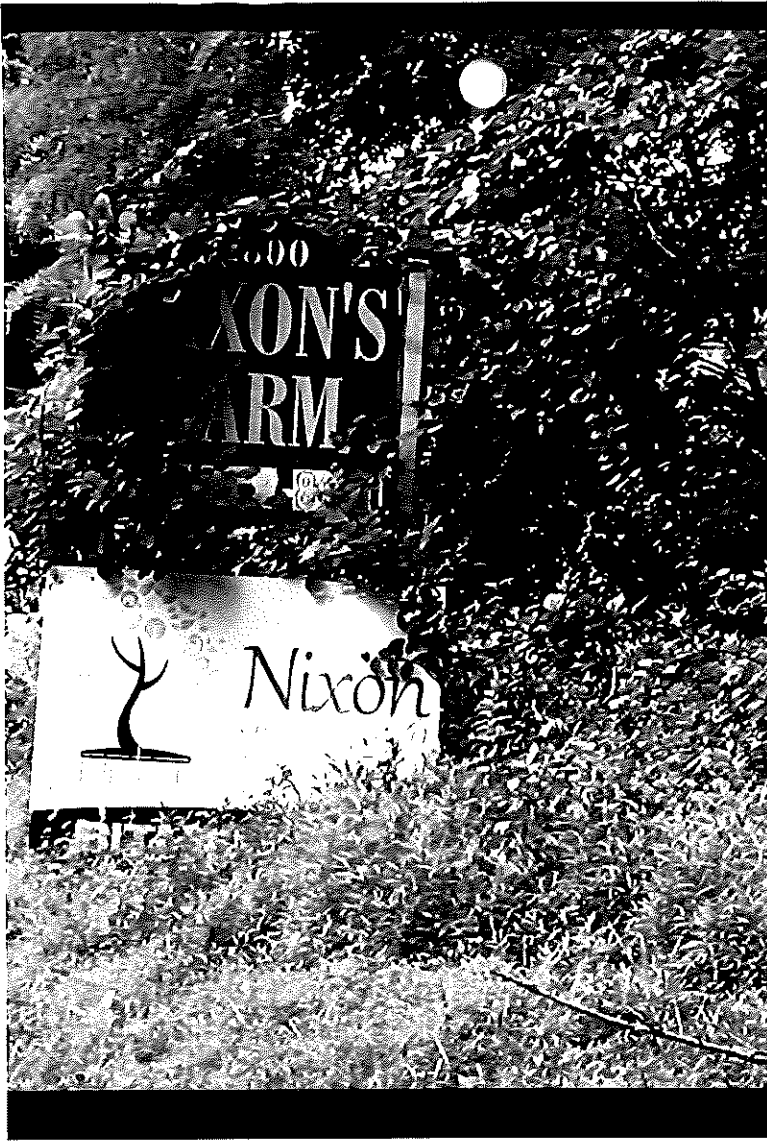
This is a residential area that people have spent lots of time and money keeping the homes looking stately. Power 52 has done a POOR job at keeping the property maintained.

Rebecca Light



















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

James Hurt
12700 Old Frederick Road
Sykesville, MD

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

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

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

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

MEMORANDUM
TO: THE BOARD OF DIRECTORS
FROM: [Name]

Subject: [Topic]

The following information is being provided for your information and review. It is intended to assist the Board in its oversight of the company's operations and financial performance.

The data presented herein is based on the most current information available to management as of the date of this memorandum. It is subject to audit and may be updated as more information becomes available.

The Board is requested to review this information and provide guidance as appropriate. Your input and feedback are highly valued.

Very truly yours,
[Signature]

James Hurt
12700 Old Frederick Road
Sykesville, MD

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

and in **ACTION D**,

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

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

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

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

THE UNIVERSITY OF CHICAGO
DEPARTMENT OF CHEMISTRY

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James Hurt
12700 Old Frederick Road
Sykesville, MD

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

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

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

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

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

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

James Hurt
12700 Old Frederick Road
Sykesville, MD

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

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

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

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

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

James Hurt
12700 Old Frederick Road
Sykesville, MD

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

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

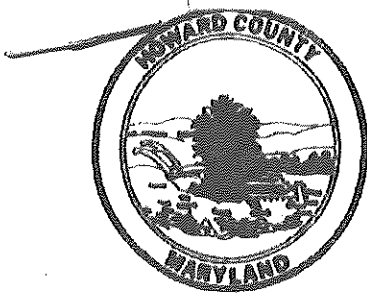
"... increasing the amount of land area available for solar facilities on a particular parcel increases the economic viability of the facility and profitably to the farmer as an additional income stream."

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

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

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

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



Howard County Council

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

COUNCIL MEMBER

Calvin Ball, Chairperson
District 2
Jon Weinstein
District 1
Greg Fox
District 5
Mary Kay Sigaty
District 4
Jennifer Terrasa
District 3

April 4, 2016

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

Dear Mr. Hurt:

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

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

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

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

Handwritten text at the top of the page, including a date and a name, which is mostly illegible due to fading and bleed-through.

Main body of handwritten text, consisting of several lines of cursive script. The text is extremely faint and largely illegible, appearing to be a letter or a document page.

Handwritten text at the bottom of the page, possibly a signature or a closing, which is also illegible.

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Petitioner Dr. Calvin Ball made the following comments:

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

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

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

5

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

9

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

14

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

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

22

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

27

28 **NOW THEREFORE:**

29

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

32

33 *By amending:*

34

35 *Section 106.1: "County Preservation Easements"*

36 *Subsection D. "Conditional Uses"*

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

3
4 *and*

5
6 *Section 131.0: "Conditional Uses"*
7 *Subsection N. 52 "Solar Facility, Commercial"*

8
9
10 **Howard County Zoning Regulations**

11
12 **SECTION 106.1: - COUNTY PRESERVATION EASEMENTS**

13
14 **D. Conditional Uses**

15 **1. ALPP Purchased Easements and ALPP Dedicated Easements**

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

24 The following Conditional Uses may be allowed:

- 25 (1) Animal hospitals
- 26 (2) Barber shop, hair salon and similar personal services facilities
- 27 (3) Bottling of spring or well water
- 28 (4) Communication Towers
- 29 (5) Farm tenant house on a parcel of at least 25 acres but less than 50 acres
- 30 (6) Historic building uses
- 31 (7) Home based contractors

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

By Erin Teixeira
THE BALTIMORE SUN

OCTOBER 11, 1996

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

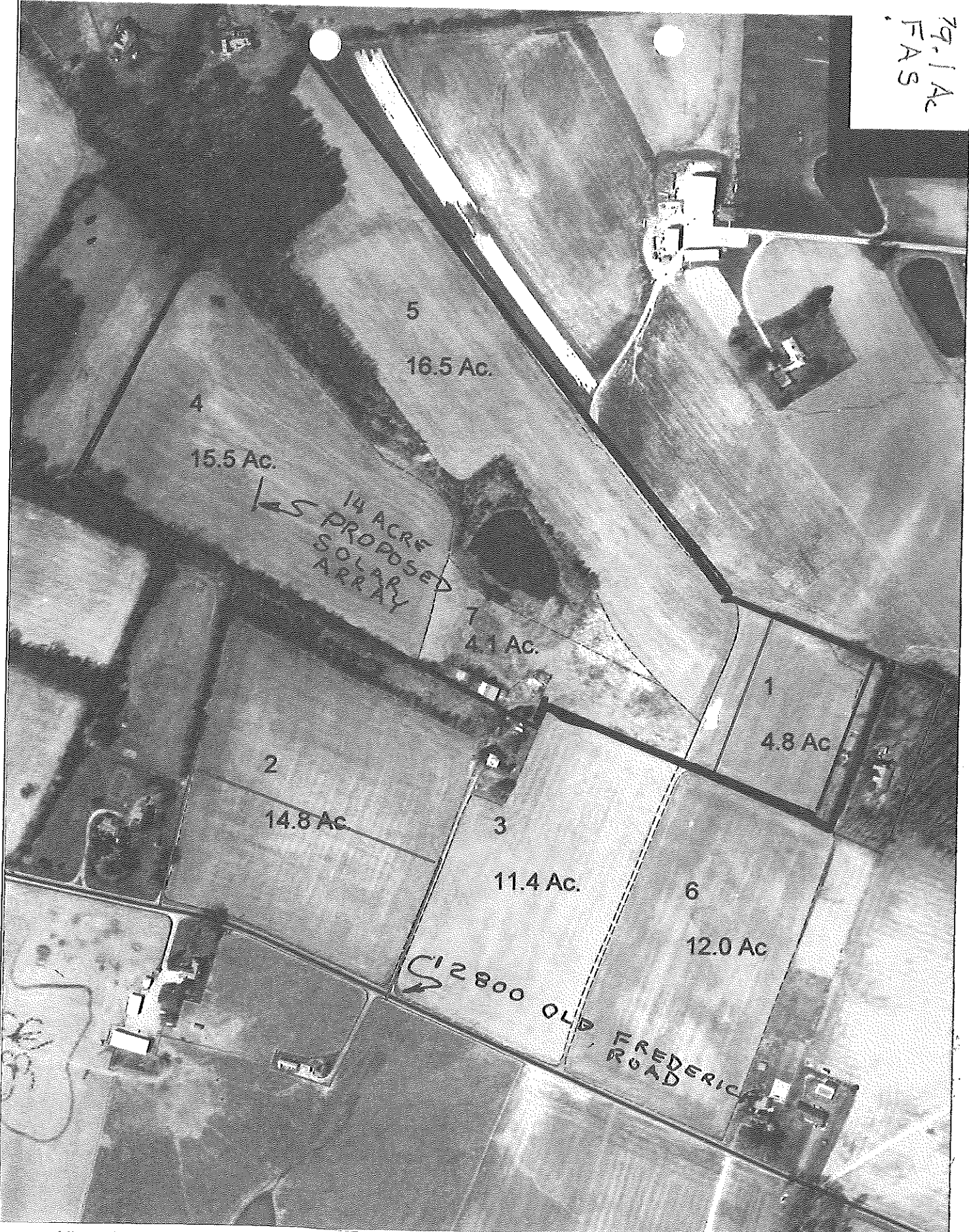
Mr. Jones was an energetic, die-hard farmer. He continued milking cows on the farm, now run by his son and grandsons, as recently as two years ago.

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

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

79.1 Ac
FAS

EX. F



NET FARM INCOME CALCULATION

Total F.S.A. Crop Field (tillable) acres = 79.1 Acres
My Crop Field acres = (4.8+16.5+15.5+4.1) = 40.9 Tillable Acres
Total Rent for James & Gerald Hurt = \$6920 / year
My Gross Rent = (40.9/79.1) x \$6920 = **\$3580 / year.**

The Howard County Farm Bureau



Home

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

About Us

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

Events

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

Newsletters

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

Members

History

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

Links

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

[Howard County Economic Development Authority - Agriculture Pages](#)

[Maryland Professional Lawn Care Manual](#)

[President's Message - March 2016](#)

The Howard County Agri-Business "Breakfast for Dinner"

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

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

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

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

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

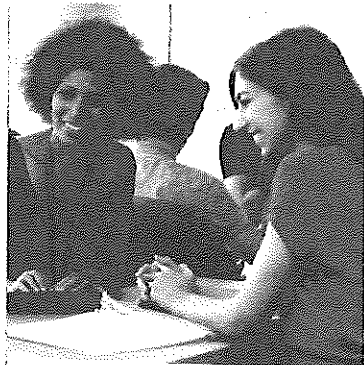
[Events Page](#)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

In closing, Here are some numbers for perspective:

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

Development looks to be a much bigger problem than solar arrays

Testimony of Theodore F. Mariani
Howard County Council 21 October 2019

RE CB 55 -2019

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

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

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

In considering such action the Council should recognize the following:

- 1- State courts have ruled that the State thru the Public Service Commission has ultimate authority on granting Solar Energy Generating Systems (SEGES) of 2 MW or more, thus preempting local authority. This would apply to any CSF case in Howard County that exceeds 2 MW.
- 2- Maryland State Agricultural Preservation Program MALPF precludes a CSF of any size on sites in it's program. It is a general theory that state policy overrides local policy in similar matters. Howard County has not however, adhered to the state lead in this regard.
- 3- Howard County has recognized the conflict of establishing a CSF, a non agricultural, commercial income producing activity, on county Agricultural Preservation sites that have benefitted from tax exempt treatment of county payments (Refer to "Commercial Solar Facility Policy" issued by DPZ on 4 April 2017). There is the further concern of how the state and federal government will view the County action in allowing land owners to benefit from years of tax avoidance and then violate the covenant that created the tax free payments. Approval of CSF's on Agricultural Preservation sites might well trigger a claw back on past due taxes and thus endanger the entire Ag Pres program.
- 4- All county Agricultural Preservation properties are covered by perpetual easements that preclude Commercial or Industrial use . It is not clear that

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

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

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

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

The order further states that the Task Force shall:

Encourage responsible siting of renewable energy projects to:

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

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

A Agricultural , conservation. or preservation areas or easements

B Fertile, prime, or productive farms and fields

C Forest and park lands

D Scenic site and ecological area, shorelines ,wetlands. or waterways

E The State's cultural heritage, economy, environment , natural resources or view sheds

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

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

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

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

I urge you to support bill CB 55.

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

and the other side of the mountain, the mountainside is steep and rocky, and the vegetation is sparse. The mountainside is covered with small, scrubby bushes and trees, and the ground is rocky and uneven. The mountainside is very steep, and the vegetation is very sparse. The mountainside is very steep, and the vegetation is very sparse.

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Richard Deutschmann
9485 Hickory Limb
Columbia MD 21045

On Behalf Of:

IndivisibleHoCoMD
P.O. Box 603
Savage, MD 20763

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

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

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

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

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

- People have voiced concern that solar energy will take up enormous amounts of agricultural land. If Howard County approves of and builds (10) community solar plants that are each ^z 10MW in size, that will amount to a total of less than 350 acres. This compares to 3m+ acres of farmland in Maryland, and 600k+ acres of Agricultural Preserve land. It simply does not even scratch the surface of affecting our available farmland
- More broadly, DOE has done a calculation to compare solar energy to the total amount of power used in the U.S. If we were to power our entire country with solar, it would only take an area of less than ¼ of 1% of all the land in the U.S.
- Solar is quiet. The only noise is the low hum of transformers and inverters, similar to the green boxes in our neighborhood. There are no compressor stations, pumps, turbines, cooling towers, or other industrial equipment associated with fossil fuel development
- Solar is low profile. The panels, racking and inverters, once installed, rarely reach over 8' tall. Viewscapes beyond are preserved.
- Solar farms typically utilize pollinators and other low-profile landscaping, to prevent shading of the panels and reduce erosion. This draws birds, butterflies, other pollinating insects, which in turn helps our local agriculture.

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

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

I am happy to answer any questions that you have.

[The following text is extremely faint and largely illegible, appearing to be a series of lines of text or a list of points.]

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

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

I question the soil quality and run off water of these forever farmlands.

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

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

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

() ()

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

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

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

1. The first part of the document is a letter from the author to the editor.

2. The second part is a list of references.

3. The third part is a list of figures and tables.

4. The fourth part is a list of appendices.

5. The fifth part is a list of footnotes.



HCCA

Howard County Citizens Association

Since 1961...

The Voice Of The People of Howard County

Date: 21 October 2019

Subject: HCCA Testimony of CB55-2019

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

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

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

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

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

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

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

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

Thank You,



Stu Kohn
HCCA President

October 21, 2019 CB55-2019

Howard County Council,

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

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

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

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

Thank You !!! Howie Feaga

TESTIMONY TO THE HOWARD COUNTY COUNCIL

Council Bill 55-2019

POSITION: Oppose

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

DATE: October 21, 2019

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

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

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

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

The ALPB [Agricultural Land Preservation Board] is required to provide a recommendation as to whether a proposal meets the following criteria, as set forth in Section 131 of the Howard County Zoning Regulations:

1. “The siting of the CSF [Commercial Solar Facility] on the parcel or parcels is an **ancillary business** which **supports the economic viability of the farm**, or
2. “The siting of the CSF on the parcel or parcels **supports the primary agricultural purpose** of the easement property.”

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

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

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

Also from the Guide:

Solar projects planted with pollinator habitat can actually help **increase local agricultural yields** through increased pollination and other beneficial insect services. Two states (MN and MD) have **already developed pollinator-friendly solar certifications** to promote planting of pollinator habitat that can benefit local farms.

- ...
- Solar can be installed on marginal agriculture lands and provide a different source of revenue for the farm. This different revenue stream can offset operating expenses of the farm and provide **economic resiliency** in poor growing years.

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

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

Additionally, on Friday, October 18, 2019, Councilman Yungmann sent out a letter clarifying the bill. He wrote, "My intent for this legislation is that it apply to Commercial Solar Facilities on Agriculture Land Preservation Program easements only, not on all RR and RC zoned properties." However, information on the Howard County webpages indicate that ALPP land is more than 61% of the agricultural land in the County¹. Hence, CB55 will severely limit the possible land available for commercial solar facilities, even if the moratorium is restricted to preserved agricultural land.

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

Finally, I want to emphasize the urgency needed to address the Climate Crisis, which is already affecting not only the planet as a whole, but our County² directly. The United Nations' webpage on Climate Change (<https://www.un.org/en/sections/issues-depth/climate-change/index.html>) states:

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

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

Please, vote no on CB55.

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

Jim Rice
Co-CEO

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

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

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

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

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

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

Thank you for the opportunity to testify this evening.

**HOWARD COUNTY GOVERNMENT
CB55-2019 AND CR133-2019**

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

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

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

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

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

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

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

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

Ann H. Jones
2921 Greenway Drive
Ellicott City, MD 21042
410-461-6869
annholmesjones@gmail.com

October 21, 2019

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

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

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

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

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

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

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

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

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

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

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

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

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

¹ Please see Attachment showing my house highlighted in yellow.

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

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

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

2 Executive Order 01.01.2019.09 (Aug. 14, 2019)

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

4 Executive Order 01.01.2019.09 at 1.

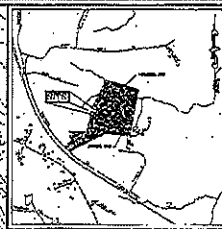
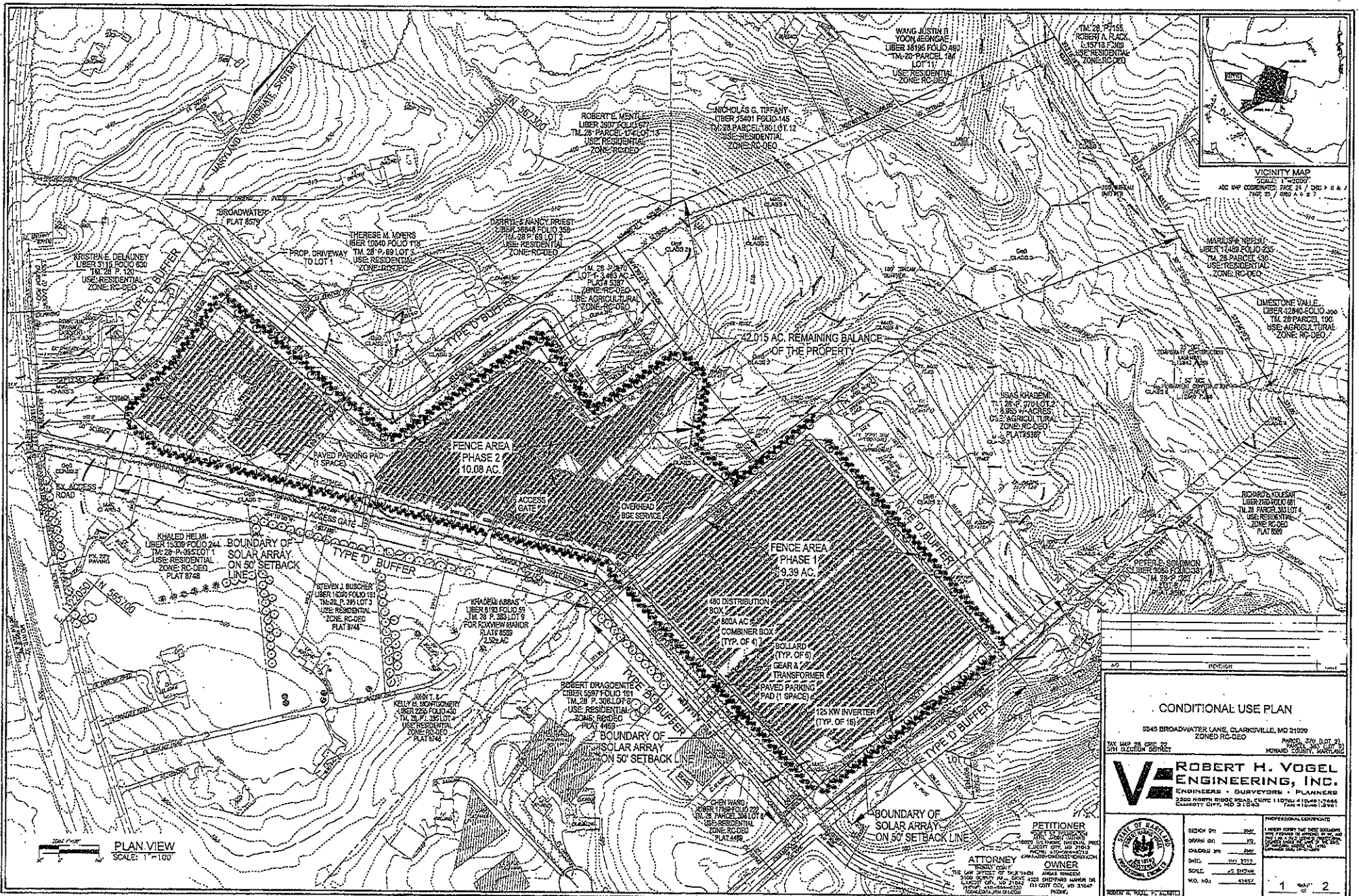
5 Id. at 3.

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

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

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

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



VICINITY MAP
SCALE: 1" = 2000'
AC MAP COORDINATES: 22E 24 / 20E P 6 & 7
PAGE 22 / 08E A 1 & 2

AMANDA NEESLI
LIBER 1469 FOLIO 235
TM 28 PARCEL 130
USE RESIDENTIAL
ZONE RC-DEO

DIMSTONE VALLE
LIBER 4284 FOLIO 300
TM 28 PARCEL 100
USE AGRICULTURAL
ZONE RC-DEO

RICHARD COLEMAN
LIBER 4284 FOLIO 300
TM 28 PARCEL 301 LOT 4
USE RESIDENTIAL
ZONE RC-DEO
PLAT 609

PETER E. SCHMIDT
LIBER 2086 FOLIO 381
TM 28 PARCEL 101
USE RESIDENTIAL
ZONE RC-DEO
PLAT 609

CONDITIONAL USE PLAN
5045 BROADWATER LANE, CLARKSVILLE, MD 21030
ZONED RC-DEO
DATE: 07/11/2011
DRAWN BY: [Name]

ROBERT H. VOGEL ENGINEERING, INC.
ENGINEERS • SURVEYORS • PLANNERS
2300 NORTH RIDGE ROAD, SUITE 1100A, CLARKSVILLE, MD 21031
CLARKSVILLE, MD 21031



| PROFESSIONAL CERTIFICATE | |
|--------------------------|---------------------|
| DATE: 07/11/2011 | EXPIRES: 07/11/2012 |
| NO. 1011 | NO. 1011 |
| NO. 1011 | NO. 1011 |

PLAN VIEW
SCALE: 1" = 100'

PETITIONER
DATE: 07/11/2011
BY: [Name]
FOR: [Name]
ATTORNEY
OWNER

CB 55, 2019

Sayers, Margery

From: Shari Glenn <shariglenn1@gmail.com>
Sent: Monday, October 21, 2019 2:01 PM
To: CouncilMail
Cc: Linda Wengel; Beth Hufnagel
Subject: Written testimony on CB-55-2019 and CR-133-2019 - League of Women Voters Howard County
Attachments: Group_Representative_Affidavit_Digital.pdf

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

Testimony:

The Howard County League of Women Voters urges a negative vote on CB 55 and CR 133.

We supported the Maryland Clean Energy Jobs Act (CEJA, SB 516) in the Maryland legislature this year which requires Maryland to get 50% of its electricity from renewable energy by 2030 and had specific goals for increasing wind and solar. This local law will make it more difficult for Maryland to reach its critical and ambitious climate goals.

In the recent past, (fall 2016) the Howard County Council authorized solar on agriculture preservation in CB 59-2016. We believe the current Howard County policies as reflected on the Planning and Zoning website for agricultural preservation uses are reasonable and do not need to be modified.

<https://www.howardcountymd.gov/Departments/Planning-and-Zoning/Conservation-and-Preservation/Agriculture>

Given the mandates of CEJA for clean energy, we think it is critical for the county to go forward with planned solar projects. A one year moratorium could have a severely adverse effect on the development of the solar industry in this county.

We saw on Facebook that Council member Jungman plans to offer an amendment to limit the impact of this bill to Commercial Solar Facilities on Agriculture Land Preservation Program easements only, however we still oppose this bill. We think the current rules are sufficient to preserve some farmland for other uses. And at the solar panels end of life they will be removed and the farmland will be fully restored.

This moratorium would make it harder for BGE customers to sign up for locally-sourced solar energy.

With regard to CR 133, action is ongoing at the State level. Senator Pinsky had a solar siting study bill in the 2019 legislature (SB 744) which passed the Senate but not the House of Delegates and that in August 2019 Governor Hogan established a Task Force on Renewable Energy Development and Siting which will make recommendations on solar siting both on an interim basis to the legislature in January 2020 and a final report in September 2020. The legislature and the Governor may develop policy in the future, but we believe a Howard County study at this time recommended by CR 133 is premature.

Finally, solar panels are not antithetical to agriculture as some allege. Yale Environment 360 notes putting solar panels on less than 1 percent of the world's agricultural land could produce enough energy to fulfill global electricity demand. (They cite this August 2019 study published in the journal Scientific Reports.) We do not

have to choose between solar and feeding ourselves. In addition the panels provide an income stream which can help farmers stay in business.

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

Sayers, Margery

From: Liz Feighner <liz.feighner@gmail.com>
Sent: Monday, October 21, 2019 12:44 PM
To: Rigby, Christiana; CouncilMail
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

Sayers, Margery

From: Sue Franckel <suefranckel@gmail.com>
Sent: Monday, October 21, 2019 12:11 PM
To: Walsh, Elizabeth
Cc: CouncilMail; Ball, Calvin
Subject: CB55

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

Ms. Walsh,

I would urge you to vote NO to CB55. It will delay solar power in our county. After a year of record rain, record heat, and all the climate change, we can't afford to wait.

Thank you,

Sue Franckel

3702 Dorsey Search Cir, Ellicott City, MD 21042

4102945796

Sayers, Margery

From: Yungmann, David
Sent: Sunday, October 20, 2019 6:30 PM
To: drsanders1@verizon.net; Jones, Opel
Cc: CouncilMail; Ball, Calvin
Subject: RE: CB 55

Thanks for your email Mr. Sanders. Are you aware that the proposed legislation affects property in the agricultural preservation program only? Currently Carroll County allows commercial solar in I-G/I-R (both are industrial districts) and B-G (general business). Even if we had a restriction on our ag preserve properties, Howard Co would be way ahead of Carroll by allowing commercial solar on all of our Rural Conservation and Rural Residential zoned property (around 40% of total county acreage).

David Yungmann
Howard County Council – District 5
(410) 313-2001
<https://cc.howardcountymd.gov/Districts/District-5>

From: David Sanders <drsanders1@verizon.net>
Sent: Sunday, October 20, 2019 5:33 PM
To: Jones, Opel <ojones@howardcountymd.gov>
Cc: CouncilMail <CouncilMail@howardcountymd.gov>; Ball, Calvin <cball@howardcountymd.gov>
Subject: CB 55

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

Dear Councilman Jones,
As a concerned constituent, I urge you to vote NO on CB 55. Our county needs to get on board the movement toward community solar as rapidly as possible in order to begin to curtail our reliance in climate-changing fossil fuels. We need to strongly encourage, not discourage, the implementation of community solar projects. I personally have made a two year commitment to support, and receive the benefits of, a community solar project located in Carroll County. Why do the government leaders in Carroll County deem community solar to be of benefit to their citizens while Howard County, arguably the most progressive county in Maryland, throwing up roadblocks on this?

With all due respect,
David Sanders
5964 Avalon Drive
Elkridge

Sent from Yahoo Mail on Android

Sayers, Margery

From: David Sanders <drsanders1@verizon.net>
Sent: Sunday, October 20, 2019 5:33 PM
To: Jones, Opel
Cc: CouncilMail; Ball, Calvin
Subject: CB 55

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

Dear Councilman Jones,

As a concerned constituent, I urge you to vote NO on CB 55. Our county needs to get on board the movement toward community solar as rapidly as possible in order to begin to curtail our reliance in climate-changing fossil fuels. We need to strongly encourage, not discourage, the implementation of community solar projects. I personally have made a two year commitment to support, and receive the benefits of, a community solar project located in Carroll County. Why do the government leaders in Carroll County deem community solar to be of benefit to their citizens while Howard County, arguably the most progressive county in Maryland, throwing up roadblocks on this?

With all due respect,
David Sanders
5964 Avalon Drive
Elkridge

Sent from Yahoo Mail on Android

Sayers, Margery

From: Cathy Hudson <cmhudson@comcast.net>
Sent: Friday, October 18, 2019 9:46 PM
To: CouncilMail
Subject: planning tool for siting of solar/wind projects

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

As you consider the solar bills this month, I just came across a new planning tool put together by the Maryland Department of Planning that can show where the optimal sites are in Maryland for the location of solar and wind projects. Unfortunately, they are still developing it and are working on adding an overlay of property data-they don't indicate when that would be available. Here is the link to the article describing the tool and the link to the tool. Hope this helps.

https://mdplanningblog.com/2019/10/09/need-help-with-renewable-energy-siting-theres-a-tool-to-help/?utm_medium=email&utm_source=govdelivery

Cathy Hudson

Sayers, Margery

From: Jones, Opel
Sent: Friday, October 18, 2019 4:33 PM
To: Sayers, Margery
Subject: FW: Reject the ban on community solar in Howard County

From: Rochelle Ginsburg <Rochelle.Ginsburg.246588962@p2a.co>
Sent: Friday, October 18, 2019 12:57 PM
To: Jones, Opel <ojones@howardcountymd.gov>
Subject: Reject the ban on community solar in Howard County

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

Dear Council Member Opel Jones,

I am a Howard County resident. I urge the you to reject the proposed one-year ban on community solar projects. This sweeping and arbitrary moratorium would stop people like me from joining with my neighbors to get electricity from a local solar array.

Community solar is the key to broaden solar access to all Marylanders. This is particularly true for renters and low-and middle-income communities. Community solar is also a way for homeowners whose properties aren't right for solar to benefit from solar.

Banning community solar would deprive our community of the local economic benefits of well-sited community solar projects. And a ban may also threaten the success and future of the state's new community solar pilot program.

I am counting on you to oppose the solar moratorium and support more clean, solar power in Howard County.

Regards,
Rochelle Ginsburg
5413 Spin Drift Pl
Columbia, MD 21045

Sayers, Margery

From: Jones, Opel
Sent: Friday, October 18, 2019 4:25 PM
To: Sayers, Margery
Subject: FW: Reject the ban on community solar in Howard County

From: James Palmer <James.Palmer.244362603@p2a.co>
Sent: Friday, October 18, 2019 2:06 PM
To: Jones, Opel <ojones@howardcountymd.gov>
Subject: Reject the ban on community solar in Howard County

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

Dear Council Member Opel Jones,

I am a Howard County resident. I urge the you to reject the proposed one-year ban on community solar projects. This sweeping and arbitrary moratorium would stop people like me from joining with my neighbors to get electricity from a local solar array.

Community solar is the key to broaden solar access to all Marylanders. This is particularly true for renters and low-and middle-income communities. Community solar is also a way for homeowners whose properties aren't right for solar to benefit from solar.

Banning community solar would deprive our community of the local economic benefits of well-sited community solar projects. And a ban may also threaten the success and future of the state's new community solar pilot program. I am counting on you to oppose the solar moratorium and support more clean, solar power in Howard County.

Regards,
James Palmer
15136 Players Way
Glenwood, MD 21738.

Sayers, Margery

From: Jones, Opel
Sent: Friday, October 18, 2019 4:20 PM
To: Sayers, Margery
Subject: FW: Reject the ban on community solar in Howard County

From: Stephen Hanyok <Stephen.Hanyok.246672157@p2a.co>
Sent: Friday, October 18, 2019 3:56 PM
To: Jones, Opel <ojones@howardcountymd.gov>
Subject: Reject the ban on community solar in Howard County

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

Dear Council Member Opel Jones,

I am a Howard County resident. I urge the you to reject the proposed one-year ban on community solar projects. This sweeping and arbitrary moratorium would stop people like me from joining with my neighbors to get electricity from a local solar array.

Community solar is the key to broaden solar access to all Marylanders. This is particularly true for renters and low-and middle-income communities. Community solar is also a way for homeowners whose properties aren't right for solar to benefit from solar.

Banning community solar would deprive our community of the local economic benefits of well-sited community solar projects. And a ban may also threaten the success and future of the state's new community solar pilot program. I am counting on you to oppose the solar moratorium and support more clean, solar power in Howard County.

Regards,
Stephen Hanyok
33 Elkmore Rd
Elkton, MD 21921

Sayers, Margery

From: Jones, Opel
Sent: Friday, October 18, 2019 4:19 PM
To: Sayers, Margery
Subject: FW: Reject the ban on community solar in Howard County

From: Stephen Hanyok <Stephen.Hanyok.246672157@p2a.co>
Sent: Friday, October 18, 2019 3:59 PM
To: Jones, Opel <ojones@howardcountymd.gov>
Subject: Reject the ban on community solar in Howard County

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

Dear Council Member Opel Jones,

I am a Howard County resident. I urge the you to reject the proposed one-year ban on community solar projects. This sweeping and arbitrary moratorium would stop people like me from joining with my neighbors to get electricity from a local solar array.

Community solar is the key to broaden solar access to all Marylanders. This is particularly true for renters and low-and middle-income communities. Community solar is also a way for homeowners whose properties aren't right for solar to benefit from solar.

Banning community solar would deprive our community of the local economic benefits of well-sited community solar projects. And a ban may also threaten the success and future of the state's new community solar pilot program.

I am counting on you to oppose the solar moratorium and support more clean, solar power in Howard County.

Regards,
Stephen Hanyok
33 Elkmore Rd
Elkton, MD 21921

Sayers, Margery

From: Helen Ruther <Heruther@hotmail.com>
Sent: Friday, October 18, 2019 2:30 PM
To: CouncilMail
Subject: solar energy

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

Dear Council members:

I urge you to oppose bills CB55 and CR133 which discourage the development of solar energy. I feel alternative energy sources must be our future if our planet is to survive.

Thank you for your consideration.

Helen Ruther

Sayers, Margery

From: Jung, Deb
Sent: Thursday, October 17, 2019 4:14 PM
To: Sayers, Margery
Subject: FW: Vote NO on CB-55

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](#).

-----Original Message-----

From: Jim Fitzgerald (jimboyfitz@msn.com) Sent You a Personal Message <automail@knowwho.com>
Sent: Thursday, October 17, 2019 3:58 PM
To: Jung, Deb <djung@howardcountymd.gov>
Subject: Vote NO on CB-55

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

Dear Ms. Deb Jung,

I urge you to vote NO on CB-55 which would put a one year prohibition on commercial solar in rural zones of Howard County. This legislation would be a step backwards instead of a step forwards for Howard County and would go against Calvin Ball's declaration that We Are Still In on the Paris Climate Agreement. A prohibition on solar right now would stall the creation of clean energy jobs and put us further from our goals set by the Maryland Clean Energy Jobs Act of 2019.

We don't need a year to study the effects of commercial solar on the sustainability of the agricultural industry and its effect on public health, safety and welfare. In fact, by waiting a year at such a critical time, we are by default putting our health and safety at risk by increasing the threat of climate change.

We have no time to wait; we need clean energy now.

Sincerely,

Mr. Jim Fitzgerald
8421 OAK BUSH TERR
COLUMBIA, MD 21045
jimboyfitz@msn.com
(410) 964-0392

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. Please contact Lillian Miller at core.help@sierraclub.org or (415) 977-5500 for more information.

Sayers, Margery

From: Jung, Deb
Sent: Thursday, October 17, 2019 4:14 PM
To: Sayers, Margery
Subject: FW: Reject the ban on community solar in Howard County

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: Jody DeVoll <Jody.DeVoll.246452241@p2a.co>
Sent: Thursday, October 17, 2019 3:42 PM
To: Jung, Deb <djung@howardcountymd.gov>
Subject: Reject the ban on community solar in Howard County

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

Dear Council Member Deb Jung,

I am a Howard County resident. I urge the you to reject the proposed one-year ban on community solar projects. This sweeping and arbitrary moratorium would stop people like me from joining with my neighbors to get electricity from a local solar array.

Community solar is the key to broaden solar access to all Marylanders. This is particularly true for renters and low-and middle-income communities. Community solar is also a way for homeowners whose properties aren't right for solar to benefit from solar.

Banning community solar would deprive our community of the local economic benefits of well-sited community solar projects. And a ban may also threaten the success and future of the state's new community solar pilot program. I am counting on you to oppose the solar moratorium and support more clean, solar power in Howard County.

Regards,
Jody DeVoll
8004 Barron St
Takoma Park, MD 20912

Sayers, Margery

From: Jung, Deb
Sent: Thursday, October 17, 2019 2:34 PM
To: Sayers, Margery
Subject: FW: Vote NO on CB-55

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.

-----Original Message-----

From: James Palmer (jgpalmer44@gmail.com) Sent You a Personal Message <automail@knowwho.com>
Sent: Thursday, October 17, 2019 9:36 AM
To: Jung, Deb <djung@howardcountymd.gov>
Subject: Vote NO on CB-55

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

Dear Ms. Deb Jung,

We want to be proud of Howard County for leading sustainability measures; not holding it back. Reviews and good judgement can apply to the coming year without a moratorium.

I urge you to vote NO on CB-55 which would put a one year prohibition on commercial solar in rural zones of Howard County. This legislation would be a step backwards instead of a step forwards for Howard County and would go against Calvin Ball's declaration that We Are Still In on the Paris Climate Agreement. A prohibition on solar right now would stall the creation of clean energy jobs and put us further from our goals set by the Maryland Clean Energy Jobs Act of 2019.

We don't need a year to study the effects of commercial solar on the sustainability of the agricultural industry and its effect on public health, safety and welfare. In fact, by waiting a year at such a critical time, we are by default putting our health and safety at risk by increasing the threat of climate change.

We have no time to wait; we need clean energy now.

Sincerely,

Mr. James Palmer
15136 Players Way
Glenwood, MD 21738
jgpalmer44@gmail.com

(410) 948-4796

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. Please contact Lillian Miller at core.help@sierraclub.org or (415) 977-5500 for more information.

Sayers, Margery

From: Jung, Deb
Sent: Thursday, October 17, 2019 2:34 PM
To: Sayers, Margery
Subject: FW: Vote NO on CB-55

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.

-----Original Message-----

From: Valerie Leonard (valerieleonard@comcast.net) Sent You a Personal Message <automail@knowwho.com>
Sent: Thursday, October 17, 2019 9:51 AM
To: Jung, Deb <djung@howardcountymd.gov>
Subject: Vote NO on CB-55

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

Dear Ms. Deb Jung,

It's time for Maryland to be at the forefront of combating climate change and all the horrors it brings. SOLAR now...not later!

I urge you to vote NO on CB-55 which would put a one year prohibition on commercial solar in rural zones of Howard County. This legislation would be a step backwards instead of a step forwards for Howard County and would go against Calvin Ball's declaration that We Are Still In on the Paris Climate Agreement. A prohibition on solar right now would stall the creation of clean energy jobs and put us further from our goals set by the Maryland Clean Energy Jobs Act of 2019.

We don't need a year to study the effects of commercial solar on the sustainability of the agricultural industry and its effect on public health, safety and welfare. In fact, by waiting a year at such a critical time, we are by default putting our health and safety at risk by increasing the threat of climate change.

We have no time to wait; we need clean energy now.

Sincerely,

Mrs. Valerie Leonard
5479 Hound Hill Ct
Columbia, MD 21045
valerieleonard@comcast.net

(410) 740-9758

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. Please contact Lillian Miller at core.help@sierraclub.org or (415) 977-5500 for more information.

Sayers, Margery

From: Jung, Deb
Sent: Thursday, October 17, 2019 2:34 PM
To: Sayers, Margery
Subject: FW: Vote NO on CB-55

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](#).

-----Original Message-----

From: Ferold Torchenot (feroldtorchenot@gmail.com) Sent You a Personal Message <automail@knowwho.com>
Sent: Thursday, October 17, 2019 10:03 AM
To: Jung, Deb <djung@howardcountymd.gov>
Subject: Vote NO on CB-55

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

Dear Ms. Deb Jung,

I urge you to vote NO on CB-55 which would put a one year prohibition on commercial solar in rural zones of Howard County. This legislation would be a step backwards instead of a step forwards for Howard County and would go against Calvin Ball's declaration that We Are Still In on the Paris Climate Agreement. A prohibition on solar right now would stall the creation of clean energy jobs and put us further from our goals set by the Maryland Clean Energy Jobs Act of 2019.

We don't need a year to study the effects of commercial solar on the sustainability of the agricultural industry and its effect on public health, safety and welfare. In fact, by waiting a year at such a critical time, we are by default putting our health and safety at risk by increasing the threat of climate change.

We have no time to wait; we need clean energy now.

Sincerely,

Mr. Ferold Torchenot
7080 Cradlerock Way Apt 214
Columbia, MD 21045
feroldtorchenot@gmail.com
(410) 381-2429

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. Please contact Lillian Miller at core.help@sierraclub.org or (415) 977-5500 for more information.

Sayers, Margery

From: Jung, Deb
Sent: Thursday, October 17, 2019 2:34 PM
To: Sayers, Margery
Subject: FW: Vote NO on CB-55

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](#).

-----Original Message-----

From: Kiana Fok (kianafok@gmail.com) Sent You a Personal Message <automail@knowwho.com>
Sent: Thursday, October 17, 2019 10:14 AM
To: Jung, Deb <djung@howardcountymd.gov>
Subject: Vote NO on CB-55

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

Dear Ms. Deb Jung,

Solar and other alternative clean energies are the way of the future, and we will be left behind if we don't start towards that path now! I want to live in a future not dependent on gas and oil along with cleaner air to breathe.

I urge you to vote NO on CB-55 which would put a one year prohibition on commercial solar in rural zones of Howard County. This legislation would be a step backwards instead of a step forwards for Howard County and would go against Calvin Ball's declaration that We Are Still In on the Paris Climate Agreement. A prohibition on solar right now would stall the creation of clean energy jobs and put us further from our goals set by the Maryland Clean Energy Jobs Act of 2019.

We don't need a year to study the effects of commercial solar on the sustainability of the agricultural industry and its effect on public health, safety and welfare. In fact, by waiting a year at such a critical time, we are by default putting our health and safety at risk by increasing the threat of climate change.

We have no time to wait; we need clean energy now.

Sincerely,

Ms. Kiana Fok
4501 Worthington Manor Way
Ellicott City, MD 21043
kianafok@gmail.com

() ()
(240) 319-2948

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. Please contact Lillian Miller at core.help@sierraclub.org or (415) 977-5500 for more information.

Sayers, Margery

From: Jung, Deb
Sent: Thursday, October 17, 2019 2:33 PM
To: Sayers, Margery
Subject: FW: Vote NO on CB-55

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](#).

-----Original Message-----

From: Judy Major (annusequi@verizon.net) Sent You a Personal Message <automail@knowwho.com>
Sent: Thursday, October 17, 2019 10:23 AM
To: Jung, Deb <djung@howardcountymd.gov>
Subject: Vote NO on CB-55

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

Dear Ms. Deb Jung,

I urge you to vote NO on CB-55 which would put a one year prohibition on commercial solar in rural zones of Howard County. This legislation would be a step backwards instead of a step forwards for Howard County and would go against Calvin Ball's declaration that We Are Still In on the Paris Climate Agreement. A prohibition on solar right now would stall the creation of clean energy jobs and put us further from our goals set by the Maryland Clean Energy Jobs Act of 2019.

We don't need a year to study the effects of commercial solar on the sustainability of the agricultural industry and its effect on public health, safety and welfare. In fact, by waiting a year at such a critical time, we are by default putting our health and safety at risk by increasing the threat of climate change.

We have no time to wait; we need clean energy now.

Sincerely,

Mrs. Judy Major
10936 Kathleen Ct
Columbia, MD 21044
annusequi@verizon.net
(410) 730-4998

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. Please contact Lillian Miller at core.help@sierraclub.org or (415) 977-5500 for more information.

Sayers, Margery

From: Jung, Deb
Sent: Thursday, October 17, 2019 2:33 PM
To: Sayers, Margery
Subject: FW: Vote NO on CB-55

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.

-----Original Message-----

From: Mary Cahill (mary815@aol.com) Sent You a Personal Message <automail@knowwho.com>
Sent: Thursday, October 17, 2019 11:38 AM
To: Jung, Deb <djung@howardcountymd.gov>
Subject: Vote NO on CB-55

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

Dear Ms. Deb Jung,

Really. This is important!

I urge you to vote NO on CB-55 which would put a one year prohibition on commercial solar in rural zones of Howard County. This legislation would be a step backwards instead of a step forwards for Howard County and would go against Calvin Ball's declaration that We Are Still In on the Paris Climate Agreement. A prohibition on solar right now would stall the creation of clean energy jobs and put us further from our goals set by the Maryland Clean Energy Jobs Act of 2019.

We don't need a year to study the effects of commercial solar on the sustainability of the agricultural industry and its effect on public health, safety and welfare. In fact, by waiting a year at such a critical time, we are by default putting our health and safety at risk by increasing the threat of climate change.

We have no time to wait; we need clean energy now.

Sincerely,

Ms. Mary Cahill
9056 Meadowvale Ct
Ellicott City, MD 21042
mary815@aol.com
(410) 465-1492

() ()

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. Please contact Lillian Miller at core.help@sierraclub.org or (415) 977-5500 for more information.

Sayers, Margery

From: Jung, Deb
Sent: Thursday, October 17, 2019 2:31 PM
To: Sayers, Margery
Subject: RE: opposed to CB55-2019

Thanks

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: Sayers, Margery
Sent: Thursday, October 17, 2019 10:40 AM
To: CouncilMail <CouncilMail@howardcountymd.gov>
Subject: opposed to CB55-2019

David Bower
410-707-6353/cell
Called to register his opposition to CB55-2019

Lives in 21042

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

Sayers, Margery

From: Jones, Opel
Sent: Thursday, October 17, 2019 12:22 PM
To: Sayers, Margery
Subject: FW: Vote NO on CB-55

-----Original Message-----

From: Joe McCloskey (jpmccloskey@comcast.net) Sent You a Personal Message <automail@knowwho.com>
Sent: Wednesday, October 16, 2019 6:35 PM
To: Jones, Opel <ojones@howardcountymd.gov>
Subject: Vote NO on CB-55

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

Dear Mr. Opel Jones,

This prohibition makes absolutely no sense.

I urge you to vote NO on CB-55 which would put a one year prohibition on commercial solar in rural zones of Howard County. This legislation would be a step backwards instead of a step forwards for Howard County and would go against Calvin Ball's declaration that We Are Still In on the Paris Climate Agreement. A prohibition on solar right now would stall the creation of clean energy jobs and put us further from our goals set by the Maryland Clean Energy Jobs Act of 2019.

We don't need a year to study the effects of commercial solar on the sustainability of the agricultural industry and its effect on public health, safety and welfare. In fact, by waiting a year at such a critical time, we are by default putting our health and safety at risk by increasing the threat of climate change.

We have no time to wait; we need clean energy now.

Sincerely,

Mr. Joe McCloskey
5385 Woodnote Lane
Columbia, MD 21044
jpmccloskey@comcast.net
(410) 995-4998

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. Please contact Lillian Miller at core.help@sierraclub.org or (415) 977-5500 for more information.

Sayers, Margery

From: Jones, Opel
Sent: Thursday, October 17, 2019 12:22 PM
To: Sayers, Margery
Subject: FW: Vote NO on CB-55

-----Original Message-----

From: Evelia Sosa (marpesiapetreaus2@gmail.com) Sent You a Personal Message <automail@knowwho.com>
Sent: Wednesday, October 16, 2019 8:08 PM
To: Jones, Opel <ojones@howardcountymd.gov>
Subject: Vote NO on CB-55

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

Dear Mr. Opel Jones,

We need to move forward, not backwards

I urge you to vote NO on CB-55 which would put a one year prohibition on commercial solar in rural zones of Howard County. This legislation would be a step backwards instead of a step forwards for Howard County and would go against Calvin Ball's declaration that We Are Still In on the Paris Climate Agreement. A prohibition on solar right now would stall the creation of clean energy jobs and put us further from our goals set by the Maryland Clean Energy Jobs Act of 2019.

We don't need a year to study the effects of commercial solar on the sustainability of the agricultural industry and its effect on public health, safety and welfare. In fact, by waiting a year at such a critical time, we are by default putting our health and safety at risk by increasing the threat of climate change.

We have no time to wait; we need clean energy now.

Sincerely,

Ms. Evelia Sosa
5044 Beatrice Way
Columbia, MD 21044
marpesiapetreaus2@gmail.com
(301) 919-2681

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. Please contact Lillian Miller at core.help@sierraclub.org or (415) 977-5500 for more information.

Sayers, Margery

From: Jones, Opel
Sent: Thursday, October 17, 2019 12:22 PM
To: Sayers, Margery
Subject: FW: Vote NO on CB-55

-----Original Message-----

From: BS Riling (rilings@verizon.net) Sent You a Personal Message <automail@knowwho.com>
Sent: Wednesday, October 16, 2019 8:18 PM
To: Jones, Opel <ojones@howardcountymd.gov>
Subject: Vote NO on CB-55

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

Dear Mr. Opel Jones,

Keep jobs in Howard county and don't delay solar power

I urge you to vote NO on CB-55 which would put a one year prohibition on commercial solar in rural zones of Howard County. This legislation would be a step backwards instead of a step forwards for Howard County and would go against Calvin Ball's declaration that We Are Still In on the Paris Climate Agreement. A prohibition on solar right now would stall the creation of clean energy jobs and put us further from our goals set by the Maryland Clean Energy Jobs Act of 2019.

We don't need a year to study the effects of commercial solar on the sustainability of the agricultural industry and its effect on public health, safety and welfare. In fact, by waiting a year at such a critical time, we are by default putting our health and safety at risk by increasing the threat of climate change.

We have no time to wait; we need clean energy now.

Sincerely,

Ms. BS Riling
6315 Short Wheel way
Columbia, MD 21045
rilings@verizon.net
(410) 799-3071

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. Please contact Lillian Miller at core.help@sierraclub.org or (415) 977-5500 for more information.

Sayers, Margery

From: Jones, Opel
Sent: Thursday, October 17, 2019 12:20 PM
To: Sayers, Margery
Subject: FW: Vote NO on CB-55

-----Original Message-----

From: Peter Barnes (pdb1014@gmail.com) Sent You a Personal Message <automail@knowwho.com>
Sent: Wednesday, October 16, 2019 10:17 PM
To: Jones, Opel <ojones@howardcountymd.gov>
Subject: Vote NO on CB-55

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

Dear Mr. Opel Jones,

I work in solar in howard county and this is going to affect my job... this is ridiculous.

I urge you to vote NO on CB-55 which would put a one year prohibition on commercial solar in rural zones of Howard County. This legislation would be a step backwards instead of a step forwards for Howard County and would go against Calvin Ball's declaration that We Are Still In on the Paris Climate Agreement. A prohibition on solar right now would stall the creation of clean energy jobs and put us further from our goals set by the Maryland Clean Energy Jobs Act of 2019.

We don't need a year to study the effects of commercial solar on the sustainability of the agricultural industry and its effect on public health, safety and welfare. In fact, by waiting a year at such a critical time, we are by default putting our health and safety at risk by increasing the threat of climate change.

We have no time to wait; we need clean energy now.

Sincerely,

Mr. Peter Barnes
9525 Clocktower Lane
Columbia, MD 21046
pdb1014@gmail.com
(301) 300-6789

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. Please contact Lillian Miller at core.help@sierraclub.org or (415) 977-5500 for more information.

Sayers, Margery

From: Jones, Opel
Sent: Thursday, October 17, 2019 12:20 PM
To: Sayers, Margery
Subject: FW: Vote NO on CB-55

-----Original Message-----

From: Elizabeth Graham (lkgraham61@gmail.com) Sent You a Personal Message <automail@knowwho.com>
Sent: Wednesday, October 16, 2019 10:20 PM
To: Jones, Opel <ojones@howardcountymd.gov>
Subject: Vote NO on CB-55

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

Dear Mr. Opel Jones,

We are falling far behind Europe in developing solar power. We have many commercial buildings in Howard County which would be ideal for new solar installation. This issue matters because we owe it to future generations to preserve this one planet where they will live. We need to be good stewards; commercial solar is one way we can improve our county's contribution to reducing fossil fuel consumption.

I urge you to vote NO on CB-55 which would put a one year prohibition on commercial solar in rural zones of Howard County. This legislation would be a step backwards instead of a step forwards for Howard County and would go against Calvin Ball's declaration that We Are Still In on the Paris Climate Agreement. A prohibition on solar right now would stall the creation of clean energy jobs and put us further from our goals set by the Maryland Clean Energy Jobs Act of 2019.

We don't need a year to study the effects of commercial solar on the sustainability of the agricultural industry and its effect on public health, safety and welfare. In fact, by waiting a year at such a critical time, we are by default putting our health and safety at risk by increasing the threat of climate change.

We have no time to wait; we need clean energy now.

Sincerely,

Ms. Elizabeth Graham
2401 Sunset Farm Rd.
Ellicott City, MD 21042
lkgraham61@gmail.com
(443) 812-2356

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. Please contact Lillian Miller at core.help@sierraclub.org or (415) 977-5500 for more information.

Sayers, Margery

From: Jones, Opel
Sent: Thursday, October 17, 2019 10:47 AM
To: Sayers, Margery
Cc: Harris, Michael
Subject: FW: Reject the ban on community solar in Howard County

Margery,

Please see testimony for CB55-2019.

Thank you,
Najee Bailey
District Aide
Councilman Opel Jones, District Two
Howard County Council
3430 Court House Drive, Ellicott City, MD 21043
nbailey@howardcountymd.gov
(410) 313-2001



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c/o
Opel Jones
Councilmember, District Two
Howard County Council
3430 Court House Drive, Ellicott City, MD 21043
ojones@howardcountymd.gov
(410) 313-2001



[Sign up for our newsletter!](#)

From: David Saitzeff <David.Saitzeff.246362674@p2a.co>
Sent: Thursday, October 17, 2019 8:17 AM
To: Jones, Opel <ojones@howardcountymd.gov>
Subject: Reject the ban on community solar in Howard County

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

Dear Council Member Opel Jones,

I am a Howard County resident. I urge the you to reject the proposed one-year ban on community solar projects. This

sweeping and arbitrary moratorium would stop people like me from joining with my neighbors to get electricity from a local solar array.

Community solar is the key to broaden solar access to all Marylanders. This is particularly true for renters and low-and middle-income communities. Community solar is also a way for homeowners whose properties aren't right for solar to benefit from solar.

Banning community solar would deprive our community of the local economic benefits of well-sited community solar projects. And a ban may also threaten the success and future of the state's new community solar pilot program.

I am counting on you to oppose the solar moratorium and support more clean, solar power in Howard County.

Regards,

David Saitzeff

7252 Riding Hood Cir

Columbia, MD 21045

Sayers, Margery

From: Jones, Opel
Sent: Thursday, October 17, 2019 10:44 AM
To: Sayers, Margery
Subject: FW: Vote NO on CB-55

-----Original Message-----

From: Vincent Amatrudo (vinceamatrudo@yahoo.com) Sent You a Personal Message <automail@knowwho.com>
Sent: Thursday, October 17, 2019 8:50 AM
To: Jones, Opel <ojones@howardcountymd.gov>
Subject: Vote NO on CB-55

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

Dear Mr. Opel Jones,

We love our clean solar energy and believe this source is at a tipping point as more and more people and businesses are converting to slow down climate change. Please don't do anything to slow down this progress!

I urge you to vote NO on CB-55 which would put a one year prohibition on commercial solar in rural zones of Howard County. This legislation would be a step backwards instead of a step forwards for Howard County and would go against Calvin Ball's declaration that We Are Still In on the Paris Climate Agreement. A prohibition on solar right now would stall the creation of clean energy jobs and put us further from our goals set by the Maryland Clean Energy Jobs Act of 2019.

We don't need a year to study the effects of commercial solar on the sustainability of the agricultural industry and its effect on public health, safety and welfare. In fact, by waiting a year at such a critical time, we are by default putting our health and safety at risk by increasing the threat of climate change.

We have no time to wait; we need clean energy now.

Sincerely,

Mr. Vincent Amatrudo
7728 Twin Oaks Way, Laurel Maryland 20723, United States Laurel, MD 20723 vinceamatrudo@yahoo.com
(301) 943-9773

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. Please contact Lillian Miller at core.help@sierraclub.org or (415) 977-5500 for more information.

Sayers, Margery

From: Jones, Opel
Sent: Thursday, October 17, 2019 10:42 AM
To: Sayers, Margery
Subject: FW: Vote NO on CB-55

-----Original Message-----

From: Wayne Straight (woichi01@comcast.net) Sent You a Personal Message <automail@knowwho.com>
Sent: Thursday, October 17, 2019 9:23 AM
To: Jones, Opel <ojones@howardcountymd.gov>
Subject: Vote NO on CB-55

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

Dear Mr. Opel Jones,

In case you haven't been keeping up with the news on the environmental front, we no longer have the luxury of time. We must act yesterday to reduce our carbon footprint. This wait-and-see initiative is nothing more or less than lobbied foot-dragging. Get it done.

I urge you to vote NO on CB-55 which would put a one year prohibition on commercial solar in rural zones of Howard County. This legislation would be a step backwards instead of a step forwards for Howard County and would go against Calvin Ball's declaration that We Are Still In on the Paris Climate Agreement. A prohibition on solar right now would stall the creation of clean energy jobs and put us further from our goals set by the Maryland Clean Energy Jobs Act of 2019.

We don't need a year to study the effects of commercial solar on the sustainability of the agricultural industry and its effect on public health, safety and welfare. In fact, by waiting a year at such a critical time, we are by default putting our health and safety at risk by increasing the threat of climate change.

We have no time to wait; we need clean energy now.

Sincerely,

Mr. Wayne Straight
961 Day Rd
Sykesville, MD 21784
woichi01@comcast.net
(410) 555-5555

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. Please contact Lillian Miller at core.help@sierraclub.org or (415) 977-5500 for more information.

Sayers, Margery

From: Jones, Opel
Sent: Thursday, October 17, 2019 10:41 AM
To: Sayers, Margery
Subject: FW: Vote NO on CB-55

-----Original Message-----

From: James Palmer (jgpalmer44@gmail.com) Sent You a Personal Message <automail@knowwho.com>
Sent: Thursday, October 17, 2019 9:36 AM
To: Jones, Opel <ojones@howardcountymd.gov>
Subject: Vote NO on CB-55

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

Dear Mr. Opel Jones,

We want to be proud of Howard County for leading sustainability measures; not holding it back. Reviews and good judgement can apply to the coming year without a moratorium.

I urge you to vote NO on CB-55 which would put a one year prohibition on commercial solar in rural zones of Howard County. This legislation would be a step backwards instead of a step forwards for Howard County and would go against Calvin Ball's declaration that We Are Still In on the Paris Climate Agreement. A prohibition on solar right now would stall the creation of clean energy jobs and put us further from our goals set by the Maryland Clean Energy Jobs Act of 2019.

We don't need a year to study the effects of commercial solar on the sustainability of the agricultural industry and its effect on public health, safety and welfare. In fact, by waiting a year at such a critical time, we are by default putting our health and safety at risk by increasing the threat of climate change.

We have no time to wait; we need clean energy now.

Sincerely,

Mr. James Palmer
15136 Players Way
Glenwood, MD 21738
jgpalmer44@gmail.com
(410) 948-4796

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. Please contact Lillian Miller at core.help@sierraclub.org or (415) 977-5500 for more information.

Sayers, Margery

From: Jones, Opel
Sent: Thursday, October 17, 2019 10:41 AM
To: Sayers, Margery
Subject: FW: Vote NO on CB-55

-----Original Message-----

From: Valerie Leonard (valerieleonard@comcast.net) Sent You a Personal Message <automail@knowwho.com>
Sent: Thursday, October 17, 2019 9:51 AM
To: Jones, Opel <ojones@howardcountymd.gov>
Subject: Vote NO on CB-55

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

Dear Mr. Opel Jones,

It's time for Maryland to be at the forefront of combating climate change and all the horrors it brings. SOLAR now...not later!

I urge you to vote NO on CB-55 which would put a one year prohibition on commercial solar in rural zones of Howard County. This legislation would be a step backwards instead of a step forwards for Howard County and would go against Calvin Ball's declaration that We Are Still In on the Paris Climate Agreement. A prohibition on solar right now would stall the creation of clean energy jobs and put us further from our goals set by the Maryland Clean Energy Jobs Act of 2019.

We don't need a year to study the effects of commercial solar on the sustainability of the agricultural industry and its effect on public health, safety and welfare. In fact, by waiting a year at such a critical time, we are by default putting our health and safety at risk by increasing the threat of climate change.

We have no time to wait; we need clean energy now.

Sincerely,

Mrs. Valerie Leonard
5479 Hound Hill Ct
Columbia, MD 21045
valerieleonard@comcast.net
(410) 740-9758

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. Please contact Lillian Miller at core.help@sierraclub.org or (415) 977-5500 for more information.

Sayers, Margery

From: Sayers, Margery
Sent: Thursday, October 17, 2019 10:40 AM
To: CouncilMail
Subject: opposed to CB55-2019

David Bower
410-707-6353/cell
Called to register his opposition to CB55-2019

Lives in 21042

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

Sayers, Margery

From: Gelwicks, Colette
Sent: Tuesday, October 15, 2019 10:28 AM
To: Sayers, Margery
Subject: FW: District 3 - Proposed Moratorium on Commercial Solar

From: no-reply@howardcountymd.gov <no-reply@howardcountymd.gov>
Sent: Thursday, October 10, 2019 6:55 PM
To: tooldude@me.com
Subject: District 3 - Proposed Moratorium on Commercial Solar

First Name: Charles
Last Name: Goedeke
Email: tooldude@me.com
Street Address: 10544 Patuxent Ridge Way
City: Laurel
Subject: Proposed Moratorium on Commercial Solar

Message: Council Member Rigby: Tonight I signed two petitions in opposition to CB55-2019, which would impose a 1-year moratorium on commercial solar in our county. I wanted to send this addition personal appeal, because the subject is so important to me. The world is in crisis because of climate change, and we need to do all that we can to stem the tide. In addition, this county consistently scores poorly on air quality, due in part to the use of fossil fueled power plants in the region to satisfy our need for power. This has a detrimental effect on the health of of our citizens. Commercial solar is admittedly a small action against these problems, but it NOT a negligible one, and has important symbolism to show that Howard County is serious about its stand against climate change. The proposed moratorium serves no real purpose, since most of the arguments against commercial solar have been debated many times over the last few years, and are clearly outweighed by the arguments for. I STRONGLY urge your opposition to the bill. Respectfully submitted, Charlie Goedeke

Sayers, Margery

From: Jean Silver-Isenstadt <jeansi@verizon.net>
Sent: Friday, October 11, 2019 10:41 AM
To: Rigby, Christiana
Cc: CouncilMail
Subject: please oppose CB55-2019

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

Dear Christiana,

Please do all you can to support our county's *accelerated* transition to renewable resources and nothing to slow this progress. A moratorium on solar farming as proposed in CB55-2019 is the last thing we need in the face of climate change; it feels crazy to even have to say that. Look instead for ways to incentivize commercial solar that would integrate agricultural use of the land, like co-located small-animal grazing. Please do not hit the brakes on solar in any way.

Thank you,
Jean

Jean Silver-Isenstadt
10174 Deep Skies Drive
Laurel MD 20723

Sayers, Margery

From: no-reply@howardcountymd.gov
Sent: Thursday, October 10, 2019 6:55 PM
To: tooldude@me.com
Subject: District 3 - Proposed Moratorium on Commercial Solar

First Name: Charles
Last Name: Goedeke
Email: tooldude@me.com
Street Address: 10544 Patuxent Ridge Way
City: Laurel
Subject: Proposed Moratorium on Commercial Solar

Message: Council Member Rigby: Tonight I signed two petitions in opposition to CB55-2019, which would impose a 1-year moratorium on commercial solar in our county. I wanted to send this addition personal appeal, because the subject is so important to me. The world is in crisis because of climate change, and we need to do all that we can to stem the tide. In addition, this county consistently scores poorly on air quality, due in part to the use of fossil fueled power plants in the region to satisfy our need for power. This has a detrimental effect on the health of of our citizens. Commercial solar is admittedly a small action against these problems, but it NOT a negllgible one, and has important symbolism to show that Howard County is serious about its stand against climate change. The proposed moratorium serves no real purpose, since most of the arguments against commercial solar have been debated many times over the last few years, and are clearly outweighed by the arguments for. I STRONGLY urge your opposition to the bill. Respectfully submitted, Charlie Goedeke

Sayers, Margery

From: Jones, Opel
Sent: Wednesday, October 9, 2019 3:12 PM
To: Sayers, Margery
Cc: Harris, Michael
Subject: FW: Reject the ban on community solar in Howard County (CB55-2019)

Good afternoon Margery,

Please see testimony sent directly to Councilman Jones regarding Council Bill 55-2019.

Best,
Najee

From: Ann Andrex <Ann.Andrex.244230339@p2a.co>
Sent: Wednesday, October 9, 2019 2:55 PM
To: Jones, Opel <ojones@howardcountymd.gov>
Subject: Reject the ban on community solar in Howard County

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

Dear Council Member Opel Jones,

I am not a Howard County resident. But I urge the you to reject the proposed one-year ban on community solar projects. This sweeping and arbitrary moratorium would stop people like me from joining with my neighbors to get electricity from a local solar array.

Community solar is the key to broaden solar access to all Marylanders. This is particularly true for renters and low-and middle-income communities. Community solar is also a way for homeowners whose properties aren't right for solar to benefit from solar.

Banning community solar would deprive our community of the local economic benefits of well-sited community solar projects. And a ban may also threaten the success and future of the state's new community solar pilot program. I am counting on you to oppose the solar moratorium and support more clean, solar power in Howard County.

Regards,
Ann Andrex
208 Crestview Ct
Frederick, MD 21702 .

Sayers, Margery

From: Rigby, Christiana
Sent: Monday, October 7, 2019 10:18 AM
To: Sayers, Margery
Subject: FW: CB55

Follow Up Flag: Follow up
Flag Status: Completed

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

Dear Chairperson Mercer-Kigby,

Please vote no on CBSS. We are in a climate emergency and we cannot afford to waste time in moving to clean energy sources. CBSS would cause pointless and harmful delay to needed action. Also, the concerns raised in CBSS are specious and refuted by the US Dept of Energy website.

Sincerely,

Kate

14 Oct 2019

Dear Counselman Yungmann,

I'm writing to oppose CBSS, a bill you've sponsored, that will place a moratorium on development of new solar power installations.

We need to be promoting solar development, not suppressing it. Please reconsider your position on this legislation.

Sincerely,

Peter Alvarado, PhD

2019 OCT 15 PM 3:43

ALL DJS
HOWARD COUNTY COUNCIL
RECEIVED

Dear Councilwoman Mercer Rigby,

Please vote against CB-55!

The planet is in the midst of an urgent climate crisis. We can't delay acting to reduce Green House Gases. The issues of concern are addressed by the United States Dept. of Energy's website. Please vote no!

RUTH AUERBACH
9455 CLOCKTOWER LN
COLUMBIA 21040

Dear Councilwoman Mercer Rigby,

I write to you today as a constituent of District 5. I ask you to vote against CB55. Given the dire warnings issued by our nation's scientists, I believe it is important that we do everything we can to encourage solar ^{energy} development, not delay it, which this bill would do. In addition, solar energy will offer opportunities for farmers to earn additional income. I urge you again to vote against CB55.

Thank you for your time and attention.

Michael Doll

John Mueller Jones

Please oppose CBSS and
CR133.

It will discourage solar
development in Howard Co.

We are in a climate emergency
and customers would not
be able to take advantage
of local clean energy options
And for many other reasons I
hope to give in oral testimony
further down.

To the County Council:

I am writing in OPPOSITION to CBSS.
which would put a moratorium on

community solar. This bill would slow
renewable energy development, supported
by the vast majority of Marylanders.
This bill is similar to many bills being
considered across rural America, which have
been designed to hurt the expansion of
solar energy. This in turn will slow our
state's response to global climate change.

unacceptable! Please work to oppose
CBSS!

Thank you -

Richard Butschmann