



Howard County

Internal Memorandum

Subject: Testimony for Council Bill-XX-2010 (Commercial Solar Facilities)

To: Lonnie R. Robbins
Chief Administrative Officer

From: Amy Gowan, Director
Department of Planning and Zoning

DS
AG

Date: February 17, 2021

The Departments of Planning and Zoning (DPZ) supports CB-__-2021, an act that will revise Howard County's zoning regulations to expand opportunities for the generation of solar powered energy, a renewable energy source, throughout the County in support of several key policies identified in both PlanHoward 2030 and the General Plan 2000.

Background

In November of 2019, Council Resolution 133-2019 directed the Environmental Sustainability Board to facilitate a Commercial Solar Facilities Task Force to study commercial solar facilities on Agricultural Land Preservation Parcels. The Task Force met for a total of 14 meetings starting on January 23, 2020 and ending on July 14, 2020. It included representatives from the Howard County Agricultural Land Preservation Board, Maryland Clean Energy Advisory Council, Maryland-DC-Delaware-Virginia Solar Energy Task Force, Howard County Farm Bureau, Howard County Soil Conservation District, Maryland Solar United Neighbors, Howard County Environmental Sustainability Board, Howard County Office of Community Sustainability and Howard County Department of Planning and Zoning.

The Task Force issued a report on July 24, 2020 with multiple recommendations to increase opportunities for solar energy generation throughout the County and to minimize conflicts between the installation of solar energy facilities on agricultural land preservation parcels.

DPZ evaluated the Solar Task Force Recommendations and attempted to implement them through Zoning Regulation Amendment (ZRA 197). The Planning Board will review ZRA 197 on February 4, 2021.

Impact of Legislation

DPZ used the Solar Task Force recommendations as a basis for proposed changes to the Zoning Regulations. DPZ also reviewed solar zoning regulations across other jurisdictions in the State of Maryland. Based on this research, and with intention to implement the Solar Task Force recommendations, ZRA-197/CB-XX-2021 expands the allowable use of solar collectors across the County and clarifies the different type of solar facilities. To achieve this, the amendment includes the following:

- Revise the definition of Accessory Solar Collector to differentiate between Solar Collector, Accessory Ground Mount and Solar Collector, Rooftop and add new definitions for Commercial Solar Collector and Solar Collector Facility, Commercial Ground Mount;
- Expand commercial ground-mount solar collector facilities to commercial and industrial zoning districts;
- Allow commercial rooftop and accessory ground-mount solar collectors in all zoning districts;
- Extend accessory ground-mount solar collectors to R-H-ED, OT, and SC; and
- For ALPP properties, limit the size of commercial ground-mount solar collector facilities to the greater of 16 acres or 34% of the parcel, require an additional review by the Agricultural Preservation Board, and eliminate the requirement for a glare study for commercial ground-mount solar collector facilities.

A matrix summarizing the current regulations, Solar Task Force recommendations, and ZRA-197 proposed amendments is attached.

The percentage requirement on ALPP land only affects parcels between 10 and 48 acres since 34% of a parcel over 48 acres would be greater than 16 acres, therefore, the 16-acre cap would apply to all parcels over 48 acres. Currently, only 23 out of 163 purchased easements are between 10 and 48 acres. Therefore, the percentage requirement only applies to 23 easements that were purchased in the ALPP.

Fiscal Analysis

This legislation affects private property owners and public utility companies and is not anticipated to result in any fiscal impacts to the County. Permits and plans for solar facilities are reviewed by DPZ staff as part of regular development review and no additional resources are needed to continue to process these under the new regulations.

cc: Holly Sun, Budget Administrator
Brook Mamo, Deputy Budget Administrator
Jennifer Sager, Legislative Coordinator, County Administration
Josh Feldmark, Administrator, Office of Community Sustainability

ZRA-197 DPZ RECOMMENDATION MATRIX								
Use	Definitions			Proposed Zoning Districts			Allowed on Ag Pres	Major Changes
	Current Definition	Solar Task Force Definition	DPZ Definition	Principal Use By Right	Accessory Use	Conditional Use		
Commercial Solar Collector	Not Defined	A solar collector connected directly to the electrical distribution or transmission system separately from any other electrical service on the property on which it is hosted and whose generated electrical power is not primarily consumed by the principal use. Note: This is purely a definition to assist with clarifying the other definitions.	A SOLAR COLLECTOR CONNECTED DIRECTLY TO THE ELECTRICAL DISTRIBUTION OR TRANSMISSION SYSTEM SEPARATELY FROM ANY OTHER ELECTRICAL SERVICE ON THE PROPERTY ON WHICH IT IS HOSTED AND WHERE ELECTRICAL POWER GENERATED MAY BE USED ON OR OFF-SITE.	This is purely a definition to assist with clarifying the other definitions.			N/A	
Solar Collector, Rooftop	Solar Collector, Accessory: A building mounted or ground mounted solar collector which is an accessory use to a principal use and is used for the primary purpose of generating electrical power to be consumed primarily by the principal use. A ground mounted accessory solar collector may be located on a different lot than the principal use.	A solar collector or commercial solar collector and all supporting electrical and structural components that is attached to the rooftop of an existing structure or integrated into the building envelope, where the solar panels themselves act as a building material or structural element. Examples include rooftop net-metering, rooftop aggregated net-metering, and commercial rooftop including community solar.	A SOLAR COLLECTOR OR COMMERCIAL SOLAR COLLECTOR AND ALL SUPPORTING ELECTRICAL AND STRUCTURAL COMPONENTS THAT IS ATTACHED TO THE ROOFTOP OF AN EXISTING STRUCTURE OR INTEGRATED INTO THE BUILDING, WHERE THE SOLAR PANELS THEMSELVES ACT AS A BUILDING MATERIAL OR STRUCTURAL ELEMENT.	All Zoning Districts	All Zoning Districts	None	Yes	All power generated from rooftop and building mounted solar collectors may be sent off-site.
Solar Collector, Accessory Use Ground-Mount	Solar Collector, Accessory: A building mounted or ground mounted solar collector which is an accessory use to a principal use and is used for the primary purpose of generating electrical power to be consumed primarily by the principal use. A ground mounted accessory solar collector may be located on a different lot than the principal use.	A solar collector and all supporting electrical and structural components that is mounted onto the ground or is a canopy and is used for the purpose of generating electrical power to be consumed primarily by the principal use. A ground mounted accessory solar collector may be located on a different lot than the principal use, including systems eligible for net meter aggregation by state net metering regulations. Examples include ground-mounted aggregated net-metering.	A SOLAR COLLECTOR AND ALL SUPPORTING ELECTRICAL AND STRUCTURAL COMPONENTS THAT IS ATTACHED TO THE GROUND OR A CANOPY ON A PROPERTY THAT CONTAINS A PRINCIPAL USE OR AN ADJACENT LOT; WHERE ELECTRICAL POWER GENERATED IS USED BY THE PRINCIPAL USE AND EXCESS ELECTRICAL POWER GENERATED MAY BE USED FOR NET METERING, INCLUDING NET METER AGGREGATION, ACCORDING TO STATE NET METERING REGULATIONS.	None	All Zoning Districts ***** 3% lot coverage on residential lots	None	Yes	Allows excess power generated by solar collectors to be used for net metering. ***** Codifies DPZ policy regarding accessory structure lot coverage requirement exemption and increases the percentage from 2 to 3.
Solar Collector, Commercial Ground-Mount	Solar Facility, Commercial: A series of ground mounted solar collectors used to generate photovoltaic power, where less than 50% of the power generated is consumed by the principal use on the site.	A commercial solar collector and all supporting electrical and structural components that is mounted onto the ground or is a canopy and is no more than the maximum system size according to state net metering regulations. Examples include community solar (virtual net metering) and small-scale power purchase agreements (PPAs) located off-site from customer.	A COMMERCIAL SOLAR COLLECTOR AND ALL SUPPORTING ELECTRICAL AND STRUCTURAL COMPONENTS THAT IS MOUNTED ONTO THE GROUND OR A CANOPY.	None	None	Current: RC, RR ***** Proposed: B-1, B-2, CE, M-1, M-2, PEC, POR	Yes, with 16 acre/34% limitation	Creates a two step review process for the Ag Pres Board *****Removes the glare study requirement. *****Establishes a maximum size of 16 acre/34% on Ag Pres. ***** Expands principal use ground mounted commercial solar to commercial and industrial areas through CU process.