

Sayers, Margery

From: Stuart Kohn <stukohn@verizon.net>
Sent: Monday, March 15, 2021 1:23 PM
To: howard-citizen@googlegroups.com; CouncilMail
Subject: Fwd: [HOWARD-CITIZEN] Serious oversights in CB 17-2021
Attachments: Written Test. HCC 210315 DOL TM Final.pdf

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

Dan et al,

The Howard County Citizens Association, HCCA has been very involved with both of Dan O'Leary and Ted Mariani's respective Associations, the Greater Highland Crossroads Association which I am a Board member and the Concerned Citizens of Western Howard County. We are in complete agreement with the position of both entities regarding commercial solar on designated Agricultural Preservation property.

Stu Kohn
HCCA President

Sent from my iPhone

Begin forwarded message:

From: "Dan O'Leary" <danielol12832h@gmail.com>
Date: March 15, 2021 at 12:30:52 PM EDT
To: howard-citizen@googlegroups.com
Subject: Re: [HOWARD-CITIZEN] Serious oversights in CB 17-2021
Reply-To: howard-citizen@googlegroups.com

Susan,

Thanks for posting this. I am sure there are other sections of this measure that produce the unintended consequences that we all have been fighting to avoid for years. See my Ted's and my issues below.

Nick:

you pose a false dichotomy. Farmers in the west cannot sell to developers to develop subdivisions on Agricultural Preservation parcels; nor can parcels not-in-preservation be developed because "large subdivisions" (more than 4 lots) are prohibited.

We support Community Solar in certain circumstances but only as ANCILLARY to the farm use.

A shorter version of our testimony follows. The full version is attached:

To: Members of the County Council
Howard County, MD

March 14, 2021

Re: CB 17-2021, ZRA 197

We must preface our remarks by stating that we are in strong support of extending the siting of **Community Solar** projects across all areas and zoning districts in the County to achieve the goal of sustainable energy. Up to this point however, the Ag Pres farms in the Rural West have been the choice target for Commercial Solar Facility (CSF) development, often resulting in projects where the CSF overwhelms the Agricultural purpose of the Program. This will continue to be the case unless the Council adopts regulations that provide a balanced approach. If it is deemed necessary to have a modest level of Community Solar development on Ag Pres land, such development must be subject to reasonable restrictions.

The Issue of Commercial Solar on Ag Pres has been controversial and been debated since the latter part of 2015. As such, we must provide some background and context.

The General Plan is in conflict with itself

All applicants claim that their proposal is in harmony with Section 4.12 of the General Plan which states broad goals that would embrace almost any renewable energy project:

However, a thorough reading of 4.12 reveals no explicit support for installing commercial solar on Ag Pres parcels

While the General Plan does promote renewable energy to a degree, it also specifically and emphatically states its objective to preserve farmland through the Agricultural Land Preservation Program (ALPP), not just from development, but for purposes of farming. See General Plan at pp. 27-30."

Therefore, occupying purportedly preserved farms with commercial solar facilities is contrary to the notion that the land is being preserved for farming purposes.

The efforts of the Solar Task Force and the Ag Pres Board (APP) are being ignored and overruled.

The Solar Task Force and the APB spent considerable time and energy attempting to reconcile these competing and conflicting interests. They established standards that would ensure that solar installation would be ANCILLARY to the farm use.

The ZRA proposed by the Administration essentially overrules the APB which attempted to follow the Task Force recommendations. If this ZRA is adopted, it will destroy the delicate balance achieved and adopted by the APB.

The Minutes of the APB 11/23/2000 are on public record.

Not only was the limitation set at 20%/16 acres, but the 34% limit was specifically rejected by the Board.

Now the carefully reasoned APB criteria is threatened by proposed regulations that conflict with this criteria.

This change to APB criteria is offered despite the fact that applications have been submitted under the current criteria, thus proving the viability of commercial solar development within the criteria now in place.

Therefore, there is no need for this long-sought resolution of appropriate APB criteria to be undermined by adopting a regulation with different standards.

The Council should also note that Montgomery County recently approved a limited use of commercial solar on sites in its Agricultural Reserve zone. The limitations are:

- It must be a conditional use
- It must be sited on the poorest soil classifications which comprise about 30% of the farmland. Thus, preserving th tillale land.

The 2-Megawatt issue needs clarification

The State, through the PSC, regulates the siting of CSFs of "2-MW or more." Howard County is thus free to regulate, without PSC intervention, CSFs of less than 2-MW.

We suggest that Council amend as follows:

1. **Restrict any CSF on Ag Pres land to less than 2 Megawatts** of installed capacity. This is consistent with the standard for “**Community Solar**” which reflects the Ag Board and HC Solar Task Force position that no Ag Pres farm should host a Utility scale CSF. The County must have this regulation in place to ensure that operators do not circumvent the State PSC review by installing multiple 2-MW meters -- e.g., the Triple Creek CSF recently approved by HC has 3 meters each rated at 2-MW for a total power capacity of 6MW on 27 acres, which clearly is a manipulation of the law!

2. **Limit the total area for CSFs to 20% of the tillable land** on the preserved farm. Tillable land would be defined as land that is suitable for crop farming and would exclude, for example, stream valleys, floodplains, steep slopes, forest reserves, environmental easements, etc. This accepts the 20% Ag Board factor but also applies it to the actual farmable land. This recognizes, as in the case of Montgomery County, the need to preserve the productive farmland. While we recognize that the APB was trying to provide flexibility by increasing the maximum size for a CSF from 10 acres to 16 acres; this adjustment to accommodate a 2-MW facility was based on out-dated technology and not necessary. Recently submitted and approved CSF projects have shown that 2-MW can be produced on 9 to 10 acres. Allowing 16 acres is excessive and, absent the 2-MW limitation, with advances in technology it could lead to projects in the 4-MW range which is double the standard for “**Community Solar.**”

3. **Limit the size of the CSF to 10.5 acres.** This updates the requirement for a 2-MW facility to reflect current technology and allows some flexibility for unusual site conditions.

In closing we commend the APB for its efforts to strike a well-reasoned balance between the goal of “sustainable energy” and the maintenance of Howard County’s outstanding Ag Pres Program. The modest adjustments to the APB criteria referenced herein should only enhance the intent of the Board.

Sincerely,

Dan O'Leary, Chairman

Greater Highland Crossroads Association
12832 Highland Rd
Highland MD 20777

Theodore F Mariani, FAIA, PE, MCRP

President

Concerned Citizens of Western Howard County
16449 Ed Warfield Rd.
Woodbine, MD 21797

On Sat, Mar 13, 2021 at 11:23 PM Nick Nichols <beertrekker@hotmail.com> wrote:

I agree with keeping open space but nothing is more ugly than a coal or gas power plant. They're disgusting and cancerous.

Solar panel farms keep coal and gas plants from being built and shut them down.

It is the greater good... losing some open space to solar panels is not a bad thing.

It's the best thing for farmers who rather sell their land to a solar panel company than a developer to build houses. It's simple as that...we've got to have victories here and there and not get bent out of shape about cutting down a few trees or plowing a few fields of corn to put solar panels up. It's the right direction for our country.

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From: howard-citizen@googlegroups.com <howard-citizen@googlegroups.com> on behalf of Hiruy Hadgu <hadguhiruy@gmail.com>

Sent: Saturday, March 13, 2021 9:23:55 PM

To: howard-citizen@googlegroups.com <howard-citizen@googlegroups.com>

Subject: Re: [HOWARD-CITIZEN] Serious oversights in CB 17-2021

Mrs. Garber,

Your observation is spot on. The politicians are so eager to burnish their "environmentalism" credentials that they would destroy greenfield and cutdown trees to show it.

They'd also be willing to upend and distort the market by creating distrust in our institutions through these zoning amendments.

This is not about climate change. The experts predict to gain 1 megawatt of electricity from 8 acres of land. This doesn't even take into account the capacity factor of these panels?

Why use greenfield, why not install them on government and business office roof tops instead? Why use heavily subsidized land?

Hiruy.

On Sat, Mar 13, 2021 at 8:49 PM 'MAK-BLK circle' via Howard-Citizen <howard-citizen@googlegroups.com> wrote:

Susan, you're right that living in this area has become a daily what now about everything and anything that's a detriment to peace, quiet and some common sense quality of life fyor all not just a few.

If you're keeping tabs for me it's the wooded area versus the ground ugly solar panels.

We know our politicians are on this list and maybe they'll pay attention but I doubt it.

Drove over to Sun Nurseries today and saw a few new development signs.

Now that eastern Howard County is clogged up with over building and traffic the developers are moving out to western Howard County.

Maria Alvarez

On Saturday, March 13, 2021 'Susan Garber' via Howard-Citizen <howard-citizen@googlegroups.com> wrote:

Why must HoCo residents always be on the defensive, always keeping an eye out for the next piece of legislation that will negatively affect what they hold near and dear??? Frankly it is exhausting!

Council Bill 17-2021 is the product of yet another Zoning Regulation Amendment (ZRA) brought forward in the midst of what is supposed to be the thoughtful comprehensive development of a new General Plan. CB 17 is a 91 page series of changes regarding the regulation of solar panels throughout the county.

The use of alternative energy sources such as solar is an important component of reducing our carbon footprint to combat climate change. But in the enthusiasm to do so, surely we must not CREATE problems by the mindless over application of what some consider THE solution.

Here are some problems stemming from the bill's granting 'by right' permission to erect solar panels –both roof mounted and ground mounted—pretty much everywhere.

What's wrong with the 'everywhere' approach?? Some examples:

- 1.) Roof mounted and ground mounted solar collectors will now be permitted "as a matter of right" in the R-H-E-D zone (Residential, Historic Environmental District. R-H-E-D exists in only one location—the former Savage Mill Remainder parcel which was just purchased 12/30/20 as park land. Surely the Savage community

hasn't worked for almost 8 years to save this fully forested parcel so Rec & Parks could remove the trees and "plant" ground mounted solar collectors to light up a ball field!!! That's a perfectly absurd thought, but if it is in our regulations, then it can happen. This must not be allowed to become a new regulation.

2.) But the problem is MUCH greater than the fate of this <5 acre addition to Savage Park. CB 17 permits as a matter of right roof mounted and ground mounted solar collectors in the R-20 zone. R-20 is one of the less dense residential zones common in Savage, Ellicott City and parts of Columbia, often referred to as the two-houses-per-acre zone. On the surface, this single family house zone seems much better suited to the addition of ground mounted solar collectors than, for example a town house lot. BUT WAIT. One of the particularly quirky features of the Ho Co zoning regulations and maps (of which few are aware) is the following situation. There is no such thing as an open space or park zone in HoCo. EVERY PARK (except for that new piece of R-H-E-D in Savage) has the underlying zoning designation of R-20—yes, even Patapsco Park. Therefore, no treed land would be safe from replacement by ground mounted solar collectors.

It's hard to imagine even the most gung-ho Friend of Solar would tolerate such a thing. One need only create two columns and begin listing the benefits of trees vs. Ground Mounted Solar Collectors (GMSCs) to quickly determine that trees win hands down. (If you need help reaching that conclusion, let me know and I'll happily assist.)

So what do we do?? Write the entire County Council councilmail@howardcountymd.gov (District 3 residents should also write directly to crigby@howardcountymd.gov), cc: County Executive Ball cball@howardcountymd.gov and Director of Planning and Zoning agowin@howardcountymd.gov to express that:

- CB 17-2021 is not ready for prime time, i.e. needs serious and careful revision before a vote

- Trees in parks should never be removed for the purpose of planting GMSPs and should therefore be an exception to the permission of Solar in the R-20 or R-H-E-D zones
- To take care of the issues with Park land being zoned R-20 or R-H-E-D, it would be better to finally establish an Open Space Zone for the preservation of Rec & Parks properties and better to eliminate entirely the R-H-E-D zone, both of which changes were recommended by the Clarion Assessment of our Zoning Regulations.

Please note that I have only focused on the provisions with greatest impact on the most people due to impact on parks. There are MANY additional objectionable provisions of CB-17. You can see the full bill at

<https://apps.howardcountymd.gov/olis/LegislationDetail.aspx?LegislationID=12685>



Which parkland do you prefer?

Susan Garber

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To: Members of the County Council
Howard County, MD

March 14, 2021

Re: CB 17-2021, ZRA 197

We must preface our remarks by stating that we are in strong support of extending the siting of **Community Solar** projects across all areas and zoning districts in the County to achieve the goal of sustainable energy. Up to this point however, the Ag Pres farms in the Rural West have been the choice target for CSF development, often resulting in projects where the CSF overwhelms the Agricultural purpose of the Program. This will continue to be the case unless the Council adopts regulations that provide a balanced approach. If it is deemed necessary to have a modest level of Community Solar development on Ag Pres land, such development must be subject to reasonable restrictions.

The Issue of Commercial Solar on Ag Pres has been controversial and been debated since the latter part of 2015. As such, we must provide some background and context.

The General Plan is in conflict with itself

We, Dan O'Leary and Ted Mariani, have participated in virtually all conditional use proceedings before the Hearing Authority seeking commercial solar on Ag Pres farms. All applicants claim that their proposal is in harmony with Section 4.12 of the General Plan which states broad goals that would embrace almost any renewable energy project:

"POLICY 4.12 – Develop an energy plan that prepares 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."

However, a thorough reading of 4.12 reveals no explicit support for installing commercial solar on Ag Pres parcels

Therefore, while the General Plan does promote renewable energy to a degree, it also specifically and emphatically states its objective to preserve farmland through the Agricultural Land Preservation Program (ALPP), not just from development, but for purposes of farming. See General Plan at pp. 27-30.

p. 28: "*Howard County's efforts to preserve farmland in the Rural West through the.... (ALPP) have been successful but are nearing completion. There is little land left.... The focus going forward should be on stewardship of*

the land under easement and on helping the agricultural community to both confront challenges and embrace opportunities....{Emphasis added}

There are 256 properties encumbered by a perpetual agricultural easement. Once a farm is protected, the owner must obtain Agricultural Land Preservation Board approval to use the property in a way that falls outside the normal scope of agricultural activities"

Therefore, occupying purportedly preserved farms with commercial solar facilities is contrary to the notion that the land is being preserved for farming purposes.

The efforts of the Solar Task Force and the Ag Pres Board (APP) are being ignored and overruled.

The Solar Task Force and the APB spent considerable time and energy attempting to reconcile these competing and conflicting interests. They established standards that would ensure that solar installation would be ANCILLARY to the farm use. In order to be more accommodating to solar development, the Ag Board made two compromises from their criteria that imposed a 10-acre and 10% site area limitation. The Board adopted a revised criteria that expanded the 10% site limit to 20% and expanded the maximum solar area from 10 acres to 16 acres. The Board also embraced the HC Solar Task Force recommendation of a 2-megawatt limitation on solar development on Ag Pres sites. The 2-megawatt limitation on generating capacity is consistent with the goal of providing "Community Solar" throughout the County, while concentrating utility-scale CSFs on sites that are not committed to the preservation of Howard County's agricultural heritage.

The reason the APB rejected the proposed 34% area coverage was made clear when a project (Broadwater) submitted under the 34% allowance resulted in more than 50% of an Ag Pres site being consumed by the proposed CSF.

The ZRA proposed by the Administration essentially overrules the APB which attempted to follow the Task Force recommendations. If this ZRA is adopted, it will destroy the delicate balance achieved and adopted by the APB.

The Minutes of the APB 11/23/2000 are on public record.

Not only was the limitation set at 20%/16 acres, but the 34% limit was specifically rejected by the Board. The minutes state:

" Mr. Brown motioned in determining if the CSF is ancillary to the primary farming operation, the commercial solar operational area must be a maximum of 16 acres or 34% of the property size, whichever is less, and the petitioner must provide

substantive proof that the CSF use is ancillary to the farming operation. No board member seconded the motion. The motion failed.

Ms. Jones motioned in determining if the CSF is ancillary to the primary farming operation, the commercial solar operational area must be a maximum of 16 acres or 20% of the property's size, whichever is less, and the petitioner must provide substantive proof that the CSF use is ancillary to their farming operation. The motion was seconded by Ms. Hudson. All members in attendance approved the change to the policy. The motion passed."

"The Board discussed the maximum allowance of two megawatts and all that were in attendance felt comfortable with that. They discussed the acreage allowance and determining if the CSF is ancillary to the farm"

Now the carefully reasoned APB criteria is threatened by proposed regulations that conflict with this criteria.

This change to APB criteria is offered despite the fact that applications have been submitted under the current criteria, thus proving the viability of commercial solar development within the criteria now in place.

Therefore, there is no need for this long-sought resolution of appropriate APB criteria to be undermined by adopting a regulation with different standards.

The Council should also note that Montgomery County recently approved a limited use of commercial solar on sites in its Agricultural Reserve zone. The limitations are:

- It must be a conditional use
- It must be sited on the poorest soil classifications which comprise about 30% of the farmland, thereby preserving the arable, productive farmland. This provides an added dimension for your consideration and will be addressed in our closing recommendations.

The 2-Megawatt issue needs clarification

The State, through the PSC, regulates the siting of CSFs of "2-MW or more." Howard County is thus free to regulate, without PSC intervention, CSFs of less than 2-MW.

When we appeared before the **Planning Board**, two members voted to amend it to conform with the latest standards of the APB. If we had more time to testify, we might have prevailed .

We suggest that Council amend as follows:

1. **Restrict any CSF on Ag Pres land to less than 2 Megawatts** of installed capacity. This is consistent with standard for "**Community Solar**" which reflects the Ag Board and HC Solar Task Force position that no Ag Pres

farm should host a Utility scale CSF. The County must have this regulation in place to ensure that operators do not circumvent the State PSC review by installing multiple 2-MW meters -- e.g., the Triple Creek CSF recently approved by HC has 3 meters each rated at 2-MW for a total power capacity of 6MW on 27 acres, which clearly is a manipulation of the law!

2. **Limit the total area for CSFs to 20% of the tillable land** on the preserved farm. Tillable land would be defined as land that is suitable for crop farming and would exclude, for example, stream valleys, floodplains, steep slopes, forest reserves, environmental easements, etc. This accepts the 20% Ag Board factor but also applies it to the actual farmable land. This recognizes, as in the case of Montgomery County, the need to preserve the productive farmland. While we recognize that the APB was trying to provide flexibility by increasing the maximum size for a CSF from 10 acres to 16 acres; this adjustment to accommodate a 2-MW facility was based on out-dated technology and not necessary. Recently submitted and approved CSF projects have shown that 2-MW can be produced on 9 to 10 acres. Allowing 16 acres is excessive and, absent the 2-MW limitation, with advances in technology it could lead to projects in the 4-MW range which is double the standard for “**Community Solar.**”
3. **Limit the size of the CSF to 10.5 acres.** This updates the requirement for a 2-MW facility to reflect current technology and allows some flexibility for unusual site conditions.

In closing we commend the APB for its efforts to strike a well-reasoned balance between the goal of “sustainable energy” and the maintenance of Howard County’s outstanding Ag Pres Program. The modest adjustments to the APB criteria referenced herein should only enhance the intent of the Board.

Sincerely,

Dan O'Leary, Chairman

Greater Highland Crossroads Association
12832 Highland Rd
Highland MD 20777

Theodore F Mariani, FAIA, PE, MCRP
President

Concerned Citizens of Western Howard County
16449 Ed Warfield Rd.
Woodbine, MD 21797

March 14, 2021

Ms. Liz Walsh, Chair Howard County Council
3430 Court House Drive
Ellicott City, MD 21043

RE: CB17-2021 – Howard County Agricultural Preservation Board Comments

Dear Chairperson Walsh,

The Howard County Agricultural Preservation Board has been grappling with the best approach to accommodate solar installations on permanently preserved agricultural land for several years now. The Board is sensitive to and supports placing solar Community Solar Facilities (CSF) on agricultural land, provided that the CSF is clearly ancillary to the farming operation.

At the Board's regularly scheduled meeting on February 22, 2021 the board unanimously voted to request that CB17-2021 be amended to include:

- A requirement that an agricultural practice or pollinator habitat be required within the area devoted to the CSF;
- Language limiting the CSF to two megawatts; and
- A reiteration that the CSF must be ancillary to the farming operation.

Thank you for your consideration of these proposed amendments.

Sincerely,

Ann H. Jones. Vice-Chair
Howard County Agricultural Preservation Board

CC. Council persons Jones, Jung, Rigby and Yungmann
County Executive Calvin Ball

Sayers, Margery

From: Hans and Marie Raven <hansandmarie.raven@verizon.net>
Sent: Monday, March 15, 2021 11:37 AM
To: CouncilMail; Ball, Calvin; agowin@howardcountymd.gov
Subject: oppose CB17-2021

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

Dear County Executive Ball, Council Members, and Director of Department of Planning & Zoning,

I am writing to express my opposition to CB 17-2021 as it is currently worded. I absolutely support the incentives and promotion for solar energy, but note that the bill's current wording coupled with current zoning definitions and policy allow massive loopholes where the spirit and intent of this legislation could be absolutely undermined.

I am a resident of District 3 and very familiar with the creation and history of the R-H-ED zone. Given its current uniqueness in the county, and all that the residents have done to preserve this land for open space use, I would not like to see any parts of the zone become available for a solar farm. That would NOT be in keeping with the intent of the creation of this district, which was so preserve the historic and environmental sensitivity of the area. Given the lack of designated open space zoning, theoretically any of our county's parks could be deforested and turned into solar farms under this bill's current wording. This action would completely negate the desire to avoid carbon production and eliminate the important carbon sequestration of currently wooded areas.

I would be thrilled to support this bill AFTER zoning regulations which would eliminate current parklands being zoned R-20 or R-H-ED are in place. At a minimum specific language which specifies that deforestation for the purpose of establishing ground mounted solar collectors is expressly prohibited needs to be added to the current bill.

Please rework this bill to prevent ridiculous loopholes in current language from overriding positive intentions.

With thanks,
Marie

Hans and Marie Raven
Laurel, MD
301-317-8010 (home)

Sayers, Margery

From: Keith Ohlinger <kohlinger05@verizon.net>
Sent: Monday, March 15, 2021 9:35 AM
To: CouncilMail
Cc: kohlinger05@verizon.net
Subject: CB-17 2021 Testimony Keith Ohlinger Opposed but recommend amendments.

[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:

I hope this email finds everyone safe and healthy. Thankfully everyone is still healthy here. We are in the midst of calving season, I will send some photos soon.

I am writing in opposition to CB-17 as it is currently presented, but I am offering recommendations to correct the issues. I sat in on a meeting Dr. Ball had with a small group of farmers at the Howard Soil Conservation District prior to introducing the original solar bill. We were not opposed to solar power, however there was concern that it had to be appropriate for the circumstances. Many of the discussions focused on leaving the bill broad enough to allow a variety of wonderful practices that could integrate solar with the continued primary use of farming. Unfortunately, the projects that came after did not integrate any of these wonderful practices. They put up fences and told everyone to keep out. This led to anger in the community and the Agricultural Preservation Board took the appropriate stance to limit what could be done to what is appropriate on preserved agricultural land. We were then painted in later testimony as anti-progress and anti-solar, which is not true.

In the first place, solar power has no connection to agriculture. Some have suggested that everything in agriculture comes from sunlight and solar deals with sunlight so it is the same. This is nonsense, solar panels are not living things, you can't eat solar panels, you don't grow solar panels, they are not agriculture. The electricity can and is used on farms, but at best it should be treated as energy extraction. This is similar to a farm having an oil well or natural gas well on the property and using that resource to offset energy costs for the farm. This is in line with MALPF protocol. However, MALPF does not allow for industrial/commercial oil or natural gas production on its easements. The Maryland Farm Bureau also opposes industrial/commercial solar in its policies. These policies are voted on each year by its delegates at the yearly Maryland Farm Bureau Convention.

I served on the Howard County Solar Taskforce and all recommendations were made by consent of the members by the July 1, 2020 deadline imposed by the County Council. When these recommendations threatened the County's solar goals we had an extra meeting so the County could push its solar agenda onto the Taskforce, and again all members voted to keep the recommendations as they were when presented by the July 1 deadline for the Taskforce. The Agricultural Preservation Board kept in line with the intent of the Taskforce's recommendations. We felt that 2 MW was in keeping with the intent of the Agricultural Land Preservation Program.

I would recommend:

- 1) Restrict any Commercial Solar Facility to 2 MW of installed capacity. This is consistent with the Agricultural Preservation Board and Howard County Solar Taskforce positions.
- 2) Limit the area for Commercial Solar Facility to 20% of the tillable land on the preserved farm. This accepts the 20% Agricultural Preservation Board factor but applies it to the actual farmable, tillable land.
- 3) Maximum size of Commercial Solar Facility cannot exceed 10.5 acres. This updates the requirement for a 2 MW facility to reflect current technology.
- 4) Add the language that the Agricultural Preservation Board recommended:

“On Agricultural Preservation Land, one of the following should be required by applicant to meet the intentions of the ALPB policy:

- Pollinator or native grass habitats;
- Livestock grazing, such as sheep;
- Agrivoltaics (i.e. crop production under or directly adjacent to an installation, edible landscape barriers, tree crops);
- Or other suitable alternative, as proposed by the applicant.”

All of these recommendations are entirely consistent with the purpose and intent of the preservation program and should be required.

The question of “Is the County is actually subsidizing solar through the Agricultural Land Preservation Program” is yes. This land was preserved for agriculture, not solar. Farmers are willing to help, however, if everyone else put solar on their own properties there would be no need to put all this solar on our properties. Solar should be treated like any other non-farming enterprises such as barber shops and hair salons, it should be given the highest scrutiny and strictly limited in its scope. One proposal I have heard is that the land under solar should be taken out of the Preservation program and the owner repay the County the money originally paid. The thought being that this increased cost would deter the solar companies. While on its surface this may seem like a good idea, if the current acreage in the bill were to go forward, it is highly plausible that an owner could put solar panels on now and then in 25 years remove the panels and develop houses on the prime acreage that is no longer in the Preservation Program. What a sweet retirement idea! And what a terrible idea for the Preservation Program!

Thank you for all that you do and thank you for considering my testimony. Please stay safe out there!

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

Sayers, Margery

From: John Jacobs <jacobs.jf@gmail.com>
Sent: Monday, March 15, 2021 9:07 AM
To: CouncilMail; Ball, Calvin; agowin@howardcountymd.gov
Subject: Council Bill 17-2021

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

Greetings all,

While I fully support a transition away from fossil fuels to renewable energy in Howard County, in particular solar power, I am dismayed to learn about some of the environmental consequences to be found in CB17. I think this bill needs revision to protect the land in our county from development, including solar development. There is ample real estate in the county that has already been developed (such as rooftops or parking lots) that provides space for solar investment, without loss of valuable and irreplaceable "open" space such as woods, forests, agricultural land, or parks. Trees in parks should never be removed for the purpose of planting GMSPs and should therefore be an exception to the permission of Solar in the R-20 or R-H-E-D zones. To take care of the issues with Park land being zoned R-20 or R-H-E-D, it would be better to finally establish an Open Space Zone for the preservation of Rec & Parks properties and the elimination entirely of the R-H-E-D zone, both of which were recommended by the Clarion Assessment of our Zoning Regulations. Rooftop based arrays or covered parking lots with their own solar rooftops are a far preferable solution.

Thank you for your time.

John Jacobs

Sayers, Margery

From: Kaitlyn Stewart <kaitlynrocestewart@gmail.com>
Sent: Sunday, March 14, 2021 8:49 PM
To: CouncilMail
Cc: Ball, Calvin; agowin@howardcountymd.gov
Subject: CB 17-2021 is not ready for a vote

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

CB 17-2021, expanding options for solar panels in Howard County, has a laudable intent. However, in our haste to make sure sustainable energy can be expanded, we must not ignore the reality on the ground. As it stands, the bill does not limit solar panel installation to open land or buildings. Theoretically, parks and trees could be cut down to make room for solar panels.

This possibility must not remain! While the county should have a right to install solar panels in otherwise empty lots, and property owners should have a right to install solar panels anywhere on their own (or their corporately owned) land, no entity should have the right to injure public parks in any way.

CB 17-2021 needs a provision ensuring that no trees on public land will ever be cut down to provide space for solar panels--indeed, no trees on public land should be cut down except for reasons of safety for the community or health for the wooded land itself. Similarly, open grassed parkland should not be covered in solar panels.

Good places for solar panels include the roofs of existing buildings and land that has been paved but is going unused. Our parks should never be removed to make way for energy, no matter how sustainable it is.

Thank you for your time.

Kaitlyn Stewart
9059 Baltimore Street, Savage, MD 20763

Sayers, Margery

From: Gayle Killen <killchar@gmail.com>
Sent: Sunday, March 14, 2021 12:09 PM
To: CouncilMail
Subject: [SUSPECTED SPAM] CB17-2021 related to solar collectors and land use

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

Greetings Council Members,

Thank you for considering ways to decrease limitations that prevent the adoption of solar energy generation. While we consider the many roadblocks that have prevented solar production to date, let's please also consider the importance of trees. The removal of trees in order to generate solar production is a regrettable example of backwards progress.

The legislative measures being considered in CB17-2021 can also ensure that we protect our existing forests and even individual trees that may be at risk by solar demands. For this reason I write to you to ask that you please find a way to not only protect vegetation within the scope of the Agricultural Land Preservation Program - but that you also look for ways to be stalwart protectors for all existing trees that remain in Howard County.

Thank you for your consideration of our future and for all the hard work you do in service,
Gayle Killen
8572 Main Street Historic Ellicott City, MD 21043

--
Every great advance in natural knowledge has involved the absolute rejection of authority.
~Thomas H. Huxley

Sayers, Margery

From: Dan O'Leary <danielol12832h@gmail.com>
Sent: Sunday, March 14, 2021 6:27 PM
To: CouncilMail; Theodore Mariani; Stu Kohn
Subject: CB-17, ZRA-197
Attachments: Written Test. HCC 210315 DOL TM Final.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 accept the attached letter as a written version of our testimony on this measure. We look forward to commenting on it and answering any questions you may have.

We hope you find it useful in your deliberations.

Ted Mariani
CCHWC
Dan O'Leary
GHCA

To: Members of the County Council
Howard County, MD

March 14, 2021

Re: CB 17-2021, ZRA 197

We must preface our remarks by stating that we are in strong support of extending the siting of **Community Solar** projects across all areas and zoning districts in the County to achieve the goal of sustainable energy. Up to this point however, the Ag Pres farms in the Rural West have been the choice target for CSF development, often resulting in projects where the CSF overwhelms the Agricultural purpose of the Program. This will continue to be the case unless the Council adopts regulations that provide a balanced approach. If it is deemed necessary to have a modest level of Community Solar development on Ag Pres land, such development must be subject to reasonable restrictions.

The Issue of Commercial Solar on Ag Pres has been controversial and been debated since the latter part of 2015. As such, we must provide some background and context.

The General Plan is in conflict with itself

We, Dan O'Leary and Ted Mariani, have participated in virtually all conditional use proceedings before the Hearing Authority seeking commercial solar on Ag Pres farms. All applicants claim that their proposal is in harmony with Section 4.12 of the General Plan which states broad goals that would embrace almost any renewable energy project:

"POLICY 4.12 – Develop an energy plan that prepares 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."

However, a thorough reading of 4.12 reveals no explicit support for installing commercial solar on Ag Pres parcels

Therefore, while the General Plan does promote renewable energy to a degree, it also specifically and emphatically states its objective to preserve farmland through the Agricultural Land Preservation Program (ALPP), not just from development, but for purposes of farming. See General Plan at pp. 27-30.

p. 28: " Howard County's efforts to preserve farmland in the Rural West through the... (ALPP) have been successful but are nearing completion. There is little land left.... The focus going forward should be on stewardship of

the land under easement and on helping the agricultural community to both confront challenges and embrace opportunities....{Emphasis added}

There are 256 properties encumbered by a perpetual agricultural easement. Once a farm is protected, the owner must obtain Agricultural Land Preservation Board approval to use the property in a way that falls outside the normal scope of agricultural activities"

Therefore, occupying purportedly preserved farms with commercial solar facilities is contrary to the notion that the land is being preserved for farming purposes.

The efforts of the Solar Task Force and the Ag Pres Board (APP) are being ignored and overruled.

The Solar Task Force and the APB spent considerable time and energy attempting to reconcile these competing and conflicting interests. They established standards that would ensure that solar installation would be ANCILLARY to the farm use. In order to be more accommodating to solar development, the Ag Board made two compromises from their criteria that imposed a 10-acre and 10% site area limitation. The Board adopted a revised criteria that expanded the 10% site limit to 20% and expanded the maximum solar area from 10 acres to 16 acres. The Board also embraced the HC Solar Task Force recommendation of a 2-megawatt limitation on solar development on Ag Pres sites. The 2-megawatt limitation on generating capacity is consistent with the goal of providing "Community Solar" throughout the County, while concentrating utility-scale CSFs on sites that are not committed to the preservation of Howard County's agricultural heritage.

The reason the APB rejected the proposed 34% area coverage was made clear when a project (Broadwater) submitted under the 34% allowance resulted in more than 50% of an Ag Pres site being consumed by the proposed CSF.

The ZRA proposed by the Administration essentially overrules the APB which attempted to follow the Task Force recommendations. If this ZRA is adopted, it will destroy the delicate balance achieved and adopted by the APB.

The Minutes of the APB 11/23/2000 are on public record.

Not only was the limitation set at 20%/16 acres, but the 34% limit was specifically rejected by the Board. The minutes state:

" Mr. Brown motioned in determining if the CSF is ancillary to the primary farming operation, the commercial solar operational area must be a maximum of 16 acres or 34% of the property size, whichever is less, and the petitioner must provide

substantive proof that the CSF use is ancillary to the farming operation. No board member seconded the motion. The motion failed.

Ms. Jones motioned in determining if the CSF is ancillary to the primary farming operation, the commercial solar operational area must be a maximum of 16 acres or 20% of the property's size, whichever is less, and the petitioner must provide substantive proof that the CSF use is ancillary to their farming operation. The motion was seconded by Ms. Hudson. All members in attendance approved the change to the policy. The motion passed."

"The Board discussed the maximum allowance of two megawatts and all that were in attendance felt comfortable with that. They discussed the acreage allowance and determining if the CSF is ancillary to the farm"

Now the carefully reasoned APB criteria is threatened by proposed regulations that conflict with this criteria.

This change to APB criteria is offered despite the fact that applications have been submitted under the current criteria, thus proving the viability of commercial solar development within the criteria now in place.

Therefore, there is no need for this long-sought resolution of appropriate APB criteria to be undermined by adopting a regulation with different standards.

The Council should also note that Montgomery County recently approved a limited use of commercial solar on sites in its Agricultural Reserve zone. The limitations are:

- It must be a conditional use
- It must be sited on the poorest soil classifications which comprise about 30% of the farmland, thereby preserving the arable, productive farmland. This provides an added dimension for your consideration and will be addressed in our closing recommendations.

The 2-Megawatt issue needs clarification

The State, through the PSC, regulates the siting of CSFs of "2-MW or more." Howard County is thus free to regulate, without PSC intervention, CSFs of less than 2-MW.

When we appeared before the **Planning Board**, two members voted to amend it to conform with the latest standards of the APB. If we had more time to testify, we might have prevailed .

We suggest that Council amend as follows:

1. **Restrict any CSF on Ag Pres land to less than 2 Megawatts** of installed capacity. This is consistent with standard for "Community Solar" which reflects the Ag Board and HC Solar Task Force position that no Ag Pres

farm should host a Utility scale CSF. The County must have this regulation in place to ensure that operators do not circumvent the State PSC review by installing multiple 2-MW meters -- e.g., the Triple Creek CSF recently approved by HC has 3 meters each rated at 2-MW for a total power capacity of 6MW on 27 acres, which clearly is a manipulation of the law!

2. **Limit the total area for CSFs to 20% of the tillable land** on the preserved farm. Tillable land would be defined as land that is suitable for crop farming and would exclude, for example, stream valleys, floodplains, steep slopes, forest reserves, environmental easements, etc. This accepts the 20% Ag Board factor but also applies it to the actual farmable land. This recognizes, as in the case of Montgomery County, the need to preserve the productive farmland. While we recognize that the APB was trying to provide flexibility by increasing the maximum size for a CSF from 10 acres to 16 acres; this adjustment to accommodate a 2-MW facility was based on out-dated technology and not necessary. Recently submitted and approved CSF projects have shown that 2-MW can be produced on 9 to 10 acres. Allowing 16 acres is excessive and, absent the 2-MW limitation, with advances in technology it could lead to projects in the 4-MW range which is double the standard for “**Community Solar.**”
3. **Limit the size of the CSF to 10.5 acres.** This updates the requirement for a 2-MW facility to reflect current technology and allows some flexibility for unusual site conditions.

In closing we commend the APB for its efforts to strike a well-reasoned balance between the goal of “sustainable energy” and the maintenance of Howard County’s outstanding Ag Pres Program. The modest adjustments to the APB criteria referenced herein should only enhance the intent of the Board.

Sincerely,

Dan O’Leary, Chairman

Greater Highland Crossroads Association
12832 Highland Rd
Highland MD 20777

Theodore F Mariani, FAIA, PE, MCRP
President

Concerned Citizens of Western Howard County
16449 Ed Warfield Rd.
Woodbine, MD 21797

Sayers, Margery

From: Liz Feighner <liz.feighner@gmail.com>
Sent: Sunday, March 14, 2021 6:15 PM
To: CouncilMail
Cc: Walsh, Elizabeth; Jones, Opel; Rigby, Christiana; Jung, Deb; Yungmann, David
Subject: CB-17 - Favorable Support
Attachments: CB17-2021 testimony.pdf

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

Greetings,

Please accept this testimony in support for CB-17 - Zoning Regulation Amendment (ZRA) 197.

Regards,

Liz Feighner
County District 3
Laurel, MD 20723

"We do not inherit the Earth from our Ancestors; we borrow it from our children" ~ Native American Proverb

March 15, 2021
RE: CB17-2021
POSITION: Support

My name is Liz Feighner and I'm a 28-year resident from Council District 3. I strongly urge the council members support CB17-2021, Zoning Regulation Amendment (ZRA) 197. This bill's objectives are to adopt the recommendations of July 24, 2020 report by the Howard County Solar Task Force.

Allowing rooftop commercial and accessory ground-mount solar collectors in all zoning districts and other amendments are in harmony with the PlanHoward 2030 policies that encourage the use of renewable energy. We need to quickly and efficiently move off of fossil fuels to avoid the worst impacts of the climate crisis and this bill will help pave the way to ensure effective proper siting of solar projects.

I understand there are those that believe these amendments pose a threat to the agriculture industry and the rural character of the community. However, the maximum size of commercial ground-mount solar collector facilities on properties in the Agricultural Land Preservation Program will be decreased from 75 acres to 16 acres and will help ensure that the properties remain viable for farming and lessen the impact on the rural character of the community.

For those concerned about the loss of farm land and food production, I highly recommend watching the excellent webinar, [EXPLORING FARMING AND SOLAR SYNERGIES: An Analysis Using Maryland Data](#). Please [read the report](#) by Dr. Arjun Makhijani of [Institute for Energy and Environmental Research](#).

Some of Dr. Makhijani's findings include:

- Whole farm profits ~doubled with solar on a fraction of land
- Solar profits are resilient
- Steady solar profits enable farming investment

And "With the right policies, incentives, and requirements, dual use solar can":

- Improve soil health + provide other ecosystem services;
- Diversify food production;
- Strength rural communities and their economies;
- Provide opportunities for economic justice.

Also, on a personal note, I live near the "Milk Co-op" parcel that was used for farming and now will be a development of approximately 400 homes. I would have much preferred a solar farm instead of this development that will increase traffic and pollution with over-burdened roads and overburdened schools in this area. A quiet, unintrusive field of panels farming the sun would have been much preferred than adding more congestion and crowding with more polluting stormwater run-off.

We are in a climate crisis and we need to act now to reduce our fossil fuel usage if we want to protect farmers from increasing and devastating weather events.

Please support CB17.

Sincerely,

Liz Feighner
Howard County District 3
Laurel, MD

TESTIMONY AGAINST CB17

My testimony against CB17 is not against all aspects of the bill. I think there can be no argument against permitting farmers to use a portion of their land for a use which will allow them to operate more profitably. I object to use of the land by commercial enterprises which: 1) have no personal connection to the land; 2) have only a commercial interest in it; 3) are not obliged to give anything back to the land or the local population. One could argue that such entitles "give back" in the form of taxes, but I submit that they take away much more than they contribute.

Solar energy is a much needed component of our future energy supply. No doubt about it. But, on the ground, it is undeniably ugly and a distraction from much of what is beautiful around it. It is difficult in these days, given the very commercial bent that seems to have overtaken our world, to speak of beauty as a necessity. So, commercially speaking, beauty is what brings tourists to Howard County and may well be why "city folk" are interested in traveling to farming areas to buy local produce.

Natural beauty is more. It's our way of seeing God's creations. To value the natural world, people need to have some personal experience of its value to **them**. The effects of nature's miracle can't just be learned about or seen in photographs. If it is necessary – and I think it is – for people to experience the wonder of our world, they have to know it first hand. It has to touch them. We, as people, can't afford to let that opportunity to be moved by the land to slip from the land and into the pockets of business.

If anything is to rob more of western Howard County's beauty, let it be to keep farmers afloat, i.e., life interests not business interests.

Thank you.

Carol Zervas for herself



HOWARD COUNTY COUNCIL
AFFIDAVIT OF AUTHORIZATION
TO TESTIFY ON BEHALF OF AN ORGANIZATION

I, Charles M. Goedeke, have been duly authorized by
(name of individual)

HoCo Climate Action to deliver testimony to the
(name of nonprofit organization or government board, commission, or task force)
CB17-2021

County Council regarding _____ to express the organization's
(bill or resolution number)

support for / opposition to / request to amend this legislation.
(Please circle one.)

Printed Name: Charles M. Goedeke

Signature: *Charles M. Goedeke*

Date: 3/15/2021

Organization: HoCo Climate Action

Organization Address: 10306 Champions Way, Laurel, MD 20723

Number of Members: 1,450
N/A

Name of Chair/President: _____

This form can be submitted electronically via email to councilmail@howardcountymd.gov no later than 5pm the day of the Public Hearing or delivered in person the night of the Public Hearing before testifying.

March 15, 2021



HoCoClimateAction.org
Howard County, Maryland

RE: CB17-2021

POSITION: Support

Howard County Council Members:

HoCo Climate Action, a 350.org local chapter and a grassroots organization representing more than 1,450 subscribers, and a member of the Howard County Climate Collaboration, strongly supports CB17-2021, Zoning Regulation Amendment (ZRA) 197. We see this bill as a very strong statement of Howard County's commitment to fighting climate change, pollution, and the environmental degradation that has resulted from our global addiction to fossil fuels, and one that would serve as a model for other jurisdictions.

The members of HoCo Climate Action have been educating ourselves and others in Howard County about the climate crisis for more than 13 years. We have supported climate change legislation at the county, state and federal level with varying degrees of success during this time, often in collaboration with larger coalitions of county and statewide partners, regrettably with mixed success. This measure gives us hope.

In particular, we believe that encouraging widespread development and use of resources like solar energy is essential to the goal of greenhouse gas reduction. The well-considered recommendations of the Commercial Solar Facilities Task Force will go far in removing needless roadblocks to this goal, without threatening the charm of Howard County. We appreciate that the study recognizes that most reasonable solar installations are "relatively unobtrusive uses that do not produce adverse impacts such as traffic, noise, odors, etc."

We also greatly appreciate the modest restrictions proposed for installations on ALPP properties, preserving the character of these irreplaceable resources, while offering the owners a reasonable and reliable income source.

And we recognize that installation and maintenance of solar systems would be an opportunity for local businesses, and generator of job opportunities, in a troubled economy where many are struggling.

For these reasons, and more, we strongly support CB17, and urge the Council to give it their unanimous support.

Submitted by Charles Goedeke, Laurel MD

Steering and Advocacy Committee

HoCo Climate Action

HoCoClimateAction@gmail.com

www.HoCoClimateAction.org

Sayers, Margery

From: chellerg@verizon.net
Sent: Monday, March 15, 2021 6:05 PM
To: CouncilMail
Subject: Council Bill 17-2021

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

Please support this bill. There is so much needed to permit transition to more renewable energy sources. Recent fires, floods, and other weather events underscore this need to move away from burning carbon.

Rochelle Ginsburg, Thunder Hill

Sent from AOL Mobile Mail



HOWARD COUNTY COUNCIL
AFFIDAVIT OF AUTHORIZATION
TO TESTIFY ON BEHALF OF AN ORGANIZATION

I, Dan O'Leary, have been duly authorized by
(name of individual)

Greater Highland Crossroads Association to deliver testimony to the
(name of nonprofit organization or government board, commission, or task force)

County Council regarding CB 17-2021, ZRA 197 to express the organization's
(bill or resolution number)

support for / opposition to request to amend this legislation.
(Please circle one.)

Printed Name: Dan O'Leary

Signature: Daniel R O'Leary

Date: March 12, 2021

Organization: Greater Highland Crossroads Association

Organization Address: Highland Maryland

Highland Maryland

Number of Members: 50-75 average dues-paying

Name of Chair/President: Dan O'Leary

This form can be submitted electronically via email to councilmail@howardcountymd.gov no later than 2 hours prior to the start of the Public Hearing.



HOWARD COUNTY COUNCIL
AFFIDAVIT OF AUTHORIZATION
TO TESTIFY ON BEHALF OF AN ORGANIZATION

I, Stu Kohn, have been duly authorized by
(name of individual)

Howard County Citizens Association to deliver testimony to the
(name of nonprofit organization or government board, commission, or task force)

County Council regarding CB17-2021 to express the organization's
(bill or resolution number)

support for / opposition to / request to amend this legislation.
(Please circle one.)

Printed Name: Stu Kohn

Signature: _____

Date: 12 March 2021

Organization: Howard County Citizens Association

Organization Address: P.O. Box 89 Ellicott City, MD 21041

P.O. Box 89 Ellicott City, MD 21041

Number of Members: 500

Name of Chair/President: Stu Kohn

This form can be submitted electronically via email to councilmail@howardcountymd.gov no later than 2 hours prior to the start of the Public Hearing.



HOWARD COUNTY COUNCIL
AFFIDAVIT OF AUTHORIZATION
TO TESTIFY ON BEHALF OF AN ORGANIZATION

I, THEODORE F. MARIANI, have been duly authorized by
(name of individual)

CONCERNED CITIZENS OF WESTERN HOWARD COUNTY to deliver testimony to the
(name of nonprofit organization or government board, commission, or task force)

County Council regarding CB-17 to express the organization's
(bill or resolution number)

support for / opposition to / request to amend this legislation.
(Please circle one.)

Printed Name: THEODORE F. MARIANI

Signature: *Theodore F. Mariani*

Date: 12 MARCH 2021

Organization: CONCERNED CITIZENS OF WESTERN HOWARD COUNTY

Organization Address: 16449 ED WARFIELD
WOODBURN MD 21797

Number of Members: 52* (Ave of past 5 yrs)

Name of Chair/President: THEODORE F. MARIANI PRES

This form can be submitted electronically via email to councilmail@howardcountymd.gov no later than 5pm the day of the Public Hearing or delivered in person the night of the Public Hearing before testifying.



HOWARD COUNTY COUNCIL
AFFIDAVIT OF AUTHORIZATION
TO TESTIFY ON BEHALF OF AN ORGANIZATION

I, Susan Garber, have been duly authorized by
(name of individual)

the Savage Community Association to deliver testimony to the
(name of nonprofit organization or government board, commission, or task force)

County Council regarding CB 17-2021 to express the organization's
(bill or resolution number)

support for / opposition to / request to amend this legislation.
(Please circle one.)

Printed Name: Susan Garber

Signature: _____

Date: 3/14/21

Organization: Savage Community Association

Organization Address: Savage 20763

Savage 20763

Number of Members: 550

Name of Chair/President: Susan Garber

This form can be submitted electronically via email to councilmail@howardcountymd.gov no later than 5pm the day of the Public Hearing or delivered in person the night of the Public Hearing before testifying.

Sayers, Margery

From: Cathy Hudson <cmhudson@comcast.net>
Sent: Wednesday, March 17, 2021 7:44 AM
To: CouncilMail; Gowan, Amy
Subject: CB17

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

Please support and legislate the Ag Pres Board's guidelines. They were reformulated after the board saw many very bad proposals go on through the process (especially with the 34% of the property guideline) and the board has spent many hours trying to come up with realistic guidelines that allow for limited solar.

The board has had to deal with the fact that the solar placements are going on Ag Pres Land because that is the cheapest land for them to obtain, and that they are not going on the marginal spaces of the farm, but that they are being sited on the flattest and best soils of the property (cheapest place for the solar company). Realize too that if the farm has a lot of woods/flood plain, that allowing the removal of 34% of it for a solar facility removes the majority of the tillable/grazable land. Most of these proposals were also seconded by the Solar Task Force (remember the STF only dealt with issues that the council asked it, they didn't necessarily do a total review of the issues) The following are the board's guidelines:

1. In determining if the CSF is ancillary to the primary farming operation, the commercial solar operational area must be a maximum of 16 acres or 20% of the property's size, whichever is less, and the petitioner must provide substantive proof that the CSF use is ancillary to their farming operation.
2. Limit the maximum size of CSF on ALPP properties to 2MW
3. On Agricultural Preservation Land, one of the following should be required by applicant to meet the intentions of the ALPB policy:
 - Pollinator or native grass habitats;
 - Livestock grazing, such as sheep;
 - Agrivoltaics (i.e. crop production under or directly adjacent to an installation, edible landscape barriers, tree crops);
 - Or other suitable alternative, as proposed by the applicant.

(the STF further noted that for projects on non-ag pres land, these practices should be encouraged.)

One other factor that hasn't been raised, but that you might want to consider is to ensure that these regulations only apply to horizontal based systems and not to vertical systems. While still in experimental phases, new technologies such as 3D solar towers (a Tower Panel Deployment System that is a 65' vertical telescoping solar mounting system), or concentrated solar power or other such vertical systems could be found useful in the future and I believe would need to be looked at separately as they come on line as to how they should be regulated (ie maybe a glare study would be good for those systems). They should not be allowed to come in under these regulations.

Thank you for looking closely at this legislation.
Cathy Hudson



HCCA

Howard County Citizens Association

Since 1961...

The Voice Of The People of Howard County

Date: 15 March 2021

Subject: CB17-2021 HCCA Testimony Regarding Solar

We, the Howard County Citizens Association, HCCA fully endorse the compelling testimony of both Ted Mariani, President of the Concerned Citizens of Western Howard and Dan O'Leary, Board Chairman of the Greater Highland Crossroads Association regarding CB17-2021.

On the Department of Planning and Zoning's website the policy of the Agricultural Land Preservation Program Howard County, Maryland Commercial Solar Facilities (CSF) clearly states, "The Agricultural Preservation Board will apply the following standards of review to the CSF Conditional Use Petition criteria in determining if the CSF is ancillary to the primary farming operation, the commercial solar operational area must be a maximum of 16 acres or 20% of the Property's size, whichever is less, and the petitioner must provide proof that the CSF use is ancillary to their farming operation." So the question becomes why the change to 34 percent?

Please refer to Page 4, lines 6 thru 11 relating to Ground Mounts. We would like to see an amendment which states the minimum distance such can be displayed from adjacent properties.

We strongly recommend a second amendment to this Bill which is imperative for all your constituents paying taxes. It should state that any property owner who has entered into a contract for an Agricultural Preservation Easement and applies for permission for a CSF within 30 days of final approval of an application for the CSF on the preserved land shall reimburse the County the amount paid to the property owner for the acreage of the preservation easement to be utilized by the CSF.

Theodore Roosevelt stated, "Here is your country. Cherish these natural wonders, cherish the natural resources, cherish the history and romance as a 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 regarding solar on designated Agricultural Preservation property? Agricultural Preservation should really mean something to all. We should honor this program with pride.

Stu Kohn
HCCA President

Sayers, Margery

From: Rigby, Christiana
Sent: Wednesday, March 17, 2021 9:36 AM
To: Stu Kohn; CouncilMail
Cc: stukohn@verizon.net
Subject: Re: Howard County Citizens Association (HCCA) Legislative Testimony on 15 March 2021

Hi Stu,
Thank you for reaching out and following up with written testimony.

I can say that from my perspective the public hearing is the opportunity for the public to be heard and I am trying to be very intentional about the space that I take up. So if I am speaking during a public hearing then I'm delaying and prolonging the time that a member of the public has to wait to get to speak and have their say. We have had folks leave because the process is too burdensome to their time and I want to respect that.

It certainly does not come from a place of disinterest, but a place of respect. While I am only speaking for myself in this email, I have had conversations with other council members and I know that they too wish to reduce barriers to public participation (time, recognizing that for many residents, it can be intimidating especially as their first time).

I hope this helps to clarify! Happy to speak over the phone if you'd prefer.

Christiana

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From: Stu Kohn <stukohn@verizon.net>
Sent: Tuesday, March 16, 2021 8:52:26 PM
To: CouncilMail <CouncilMail@howardcountymd.gov>
Cc: stukohn@verizon.net <stukohn@verizon.net>
Subject: Howard County Citizens Association (HCCA) Legislative Testimony on 15 March 2021

[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 accept the attached HCCA testimonies presented to you at the Public Legislative Hearings on Monday, 15 March 2021. This also includes CB17-2021 which was sent to you the night of the hearing.

We are very concerned that at the hearing there was no communication between you and those constituents who testified as you did not ask any questions of them during their testimony. The only exception was when Councilman Yungmann had an inquiry and when he was about to have a follow up question was silenced by the Chairperson Walsh. We believe the legislative process needs to be revised. We feel as though by you not asking questions that the public is unfortunately being placated. The Council should use these hearings as a means to obtain as much information as possible to ensure the end result of such Bills and Resolutions are well thought to the fullest. A suggestion to accomplish this would simply be to lightened the number of Bills and Resolutions which are heard on a given evening especially if some of them have a lot of interest. If you would like to discuss ideas for improvement we would be more than happy to discuss.

Stu Kohn
HCCA President



roy keeny <keeney.roy@gmail.com>

(no subject)

1 message

SHARON KEENY <SHARON.KEENY@Inf.com>
To: roy keeny <keeney.roy@gmail.com>

Tue, Mar 16, 2021 at 10:30 AM

Sharon Keeny
14026 Howard Road
Dayton, MD 21036

March 15, 2021

I am not against solar panels; I am against solar panels on ag preservation, especially how it relates to residential property.

Solar is BIG business. Solar companies are vying for land in Howard County, pressing landowners on a regular basis to give up acreage in favor of this new tenant under the guise of 'green'. Commercial solar on ag property doesn't benefit adjoining residents; it doesn't benefit the farming operation; it benefits the grid and the farmer now landlord. Solar companies are making a killing. They are the epitome of WALL STREET.

Cluster zoning in the west has benefited the county in many ways, the residents who purchased lots to adjoin FARMLAND FOREVER will certainly feel betrayed. FARMLAND FOREVER was a choice; landowners voluntarily entered the program and were paid handsomely to forgo any commercial or industrial use. If those properties transferred over the years, the next purchaser signed a declaration agreeing to that promise. The Deed restrictions are explicit that NO commercial or industrial activities are permitted; in exchange tax assessments significantly reduced.

The Ag board has made advisory comments to allow 20% of the total, or 16 maximum acres, whichever is less; and a maximum allowance of 2 megawatts as appropriate. I encourage the counsel to follow strictly the recommendation of the ag board and not expand or relax those guidelines and to ensure there is a branch of government responsible for over-sight. Will DPZ have the funding to enforce fines and penalties when the rules aren't followed?

As a Realtor, I will remind that the Jurisdictional Addendum notifying residential purchasers that farmers have a RIGHT TO FARM is clear. Reading the actual preservation easements, there is no way that one could expect to see any commercial use. In fact, the easement language is quite explicit about prohibiting commercial uses. There are probably hundreds of homes that abut ag property expecting the promise of FARMLAND FOREVER. Your obligation is to also protect MAIN STREET. The residents of Howard County need your over-sight.

10. NOTICE TO BUYER - RIGHT TO FARM DISCLOSURE. Pursuant to the Howard County Zoning Regulations, you are hereby notified that farming is allowed in most zoning districts in Howard County and has been designated as the preferred land use within the RC (Rural Conservation) zoning district. Properties in the RC and RR (Rural Residential) zoning districts that are subject to an agricultural land preservation easement, whether held by the State of Maryland or Howard County, are required to be kept available for farming in perpetuity, and are assumed to be in agricultural use. Agriculture is also considered a valued land use on any property that has an Agricultural Use Assessment as determined by the State Department of Assessments and Taxation.

Residents and other occupants of property near land in agricultural areas should be prepared to accept the effects of usual and customary agricultural operations, facilities and practices, including noise, odors, dust, smoke, insects, operation of machinery, storage and disposal of manure, unusual hours of operation, and other agricultural activities.

For further information, contact the Howard Soil Conservation District or the Howard County Department of Planning and Zoning.

11. NOTICE TO BUYER/PROSPECTIVE LANDLORD - HOWARD COUNTY LANDLORD-TENANT COUNTY COUNCIL BILL (CB-20).

Howard County Council Bill CB-20 took effect on August 12, 2018. CB-20 empowers the Howard County Office of Consumer Protection to enforce the provisions of the new landlord and tenant law. CB-20 specifies landlord obligations, lease termination clauses and required and prohibited provisions regarding rental applications and lease agreements. The full text of CB-20 can be found, read and downloaded on Office of Consumer Protection's website at www.howardcountymd.gov/landlordtenant.

12. NOTICE TO BUYER - HOWARD COUNTY W TRANSFER TAX EXEMPTION AND RATE REDUCTION W LAW ENFORCEMENT OFFICERS; FIRE AND RESCUE SERVICES MEMBERS AND CERTIFICATED PROFESSIONAL TEACHER.

Pursuant to HB1604/HB 223/ Howard County Code 20.300, Howard County Law Enforcement Officers; Fire and Rescue Services Members and Certificated Professional Teachers may be eligible to be exempt from or receive reduced Howard County transfer taxes when purchasing residential real property located in Howard County and intended for use as a principal residence.

For more information, please contact the Howard County Department of Human Resources/Board of Education.

Buyer Date

Seller Date

Buyer Date

Seller Date

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Devin Keeny

14041 Howard Road Dayton MD 21036

Testimony read on 3/15/2021.

Good evening and thank you to the board for the opportunity to speak tonight. I want to start by saying that I am not against solar or green energy of the kind. I am, however, concerned about the setback proposed and handling of stormwater management as a result.

While my situation is unique and personal to me, I believe these two topics are of the utmost importance for consideration when determining legislation for all. The solar companies and leasing landowners both stand to benefit from their arrangement, but who is protecting the rights of neighboring residents?

My home is very much downhill from the proposed solar site that was just announced in a pre-submission public hearing on March 9. My house was built and completed in 2020. Howard County mandated that strict and proper storm water management codes were met to ensure runoff from my roof was filtered before reaching my neighbors and ultimately the reservoir and bay. I had to install two massively large dry wells, to which every downspout on my house runs through the ground and connects to.... at considerable extra costs to me and my wife....\$15,000. Is my roof more dangerous than the contamination from the panels and products used in the building of a commercial solar field? Do we know if every proposed site will be required to take this into consideration and be held to the same standard of oversight?

As for setbacks - 50 feet, while it may seem sufficient on a topography map being viewed in an office, it does not paint the true picture as to how close to our properties, and to our homes it really is - it is an infringement to our peaceful enjoyment and everyday life and in addition to storm water management concerns I ask the board to consider a minimum setback of 300 feet for commercial solar fields on ag land from all surrounding residential properties.

I urge the board to consider proper setbacks and storm water management for a project like this and to ensure every step is taken to protect my groundwater, my neighbors, and the environment.



roy keeny <keeney.roy@gmail.com>

TAMMIE'S TESTIMONY

1 message

SHARON KEENY <SHARON.KEENY@Inf.com>
To: roy keeny <keeney.roy@gmail.com>

Tue, Mar 16, 2021 at 9:47 AM

Tammie Bartee
13975 Howard Road
Dayton, MD 21036

March 15, 2021

Solar farming on ag property is a new concept for Howard County that has crept up when it was least expected. Given that the deed language of these ag preserved properties specifically state no commercial or industrial uses, the ag board should be able to make the rules on land that was preserved transfer tax income. There are basic restrictions that need to be considered in this unique situation that is unlike any traditional rules on the books. There is concrete evidence that the environment, the wildlife, the eco systems of the small creeks and streams which flow to the bay and to the Triadelphia Reservoir should be strictly monitored by Maryland State if Howard County can't do it. There is much to learn.

Living next to a proposed solar on ag property site, I am horrified that a suburban set back of 50 ft has been established as acceptable in rural Western Howard County. Farmland is vast and there is NO reason that this new use should be jammed up against any single residential property. Properties that join the farm so closely will be negatively impacted by glare. They are sited by the health department based on their septic and well locations which are just a small example of situations that do not apply elsewhere.

Therefore, in addition to the basic ag recommended parameters, more oversight is need throughout the process to monitor environmental impact in an area served by septic and well, the acceptable level of the disruption to wildlife, especially the bird population. Most importantly, there is no consideration to the ridiculous set back of 50 ft from a nearby residential property. Imagine 10+ acres of solar panels 50 ft from your property line. On behalf of the entire rural west, when FARMLAND FOREVER turns acreage into commercial solar panels, there should be a minimum of a 300 ft set back from the closest wall of any residential dwelling to the closest solar panel. We need you to protect the existing taxpayers of our county, and our critical agriculture industry, not to subsidize the solar industry at their expense.

Sayers, Margery

From: CrI Zrvs <zervascarol@gmail.com>
Sent: Monday, March 15, 2021 11:39 PM
To: CouncilMail
Subject: Edited Testimony on CB-17-2021
Attachments: Edited Testimony CB-17.docx

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

EDITED TESTIMONY AGAINST CB17

My testimony against CB17 is not against all aspects of the bill. I think there can be no argument against permitting farmers to use a portion of their land for a use which will allow them to operate more profitably. I object to use of the land by commercial enterprises which: 1) have no personal connection to the land; 2) have only a commercial interest in it; 3) are not obliged to give anything back to the land or the local population. One could argue that such entitles "give back" in the form of taxes, but I submit that they take away much more than they contribute.

Solar energy is a much needed component of our future energy supply. No doubt about it. But, on the ground, it is undeniably ugly and a distraction from much of what is beautiful around it. It is difficult in these days, given the very commercial bent that seems to have overtaken our world, to speak of beauty as a necessity. So, commercially speaking, beauty is what brings tourists to Howard County and may well be why "city folk" are interested in traveling to farming areas to buy local produce.

Natural beauty is more. It's our way of seeing God's creations, and it's our way of getting out of ourselves and recognizing that there's something greater than we are. To value the natural world, people need to have some personal experience of its value to **them**. Given the influence of our material, commercial world, people have forgotten how much they are affected by having natural beauty in their lives. When tragedy threatens to overcome us, we find a beach to walk on or a vista to overwhelm our grief, but in everyday life, we forget.

The effects of nature's miracle can't just be learned about or seen in photographs. If it is necessary – and I think it is – for people to experience the wonder of our world, they have to be touched by it. We, as people, can't afford to let that opportunity to be moved by the land to slip from the land and into the pockets of business. We need to feed the experience of unspoiled life if we expect people to sacrifice some of the comfort and convenience it will require to restore health to the planet. We can't afford to harm or mar the places in our county where beauty can still reach people.

As "inappropriate" as I know the statement to be -- I think Howard County is as popular a home as it is because some parts of it still have the power to nourish the soul (and it doesn't have a beach).

Thank you.

Carol Zervas for herself

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Thank you.

Carol Zervas for herself

Sayers, Margery

From: Stu Kohn <stukohn@verizon.net>
Sent: Monday, March 15, 2021 9:58 PM
To: CouncilMail
Subject: HCCA -- Testimony on CB17-2021
Attachments: HCCA - Testimony CB17-2021 Solar on Agricultural Preservation.docx

[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 attachment. HCCA is AGAINST this Bill unless our recommended amendments are adopted.

Stu Kohn
HCCA President



HCCA

Howard County Citizens Association

Since 1961...

The Voice Of The People of Howard County

Date: 15 March 2021

Subject: CB17-2021 HCCA Testimony Regarding Solar

We, the Howard County Citizens Association, HCCA fully endorse the compelling testimony of both Ted Mariani, President of the Concerned Citizens of Western Howard and Dan O'Leary, Board Chairman of the Greater Highland Crossroads Association regarding CB17-2021.

On the Department of Planning and Zoning's website the policy of the Agricultural Land Preservation Program Howard County, Maryland Commercial Solar Facilities (CSF) clearly states, "The Agricultural Preservation Board will apply the following standards of review to the CSF Conditional Use Petition criteria in determining if the CSF is ancillary to the primary farming operation, the commercial solar operational area must be a maximum of 16 acres or 20% of the Property's size, whichever is less, and the petitioner must provide proof that the CSF use is ancillary to their farming operation." So the question becomes why the change to 34 percent?

Please refer to Page 4, lines 6 thru 11 relating to Ground Mounts. We would like to see an amendment which states the minimum distance such can be displayed from adjacent properties.

We strongly recommend a second amendment to this Bill which is imperative for all your constituents paying taxes. It should state that any property owner who has entered into a contract for an Agricultural Preservation Easement and applies for permission for a CSF within 30 days of final approval of an application for the CSF on the preserved land shall reimburse the County the amount paid to the property owner for the acreage of the preservation easement to be utilized by the CSF.

Theodore Roosevelt stated, "Here is your country. Cherish these natural wonders, cherish the natural resources, cherish the history and romance as a 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 regarding solar on designated Agricultural Preservation property? Agricultural Preservation should really mean something to all. We should honor this program with pride.

Stu Kohn
HCCA President

Sayers, Margery

From: Barbara Christensen <blchristensen7@gmail.com>
Sent: Monday, March 15, 2021 7:07 PM
To: CouncilMail
Subject: Council Bill 17=2021, Solar Zoning

[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 support this very important bill that will help protect the environment of both current and future generations of Howard County residents. I am a grandmother of 8 grandchildren and I have lived in Columbia for almost 50 years, and I want them to have the same quality of life Howard County has been famous for. This is not a partisan issue.

Thank yo for your consideration,

Barbara Christensen
7434 Sweet Clover
Columbia, Md. 21045

Sayers, Margery

From: Judy Coleman <kat4meist@verizon.net>
Sent: Monday, March 15, 2021 6:33 PM
To: CouncilWebEx
Subject: Testimony - Howard County Council's Legislative Public Hearing

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

Howard County Council's Legislative Public Hearing

Monday, March 15, 2021

Judy Coleman's Testimony

Addressing: CB17-2021
BRAG, LLC Farm
Petition for a Solar Panel Field on Howard Rd.

There is a 50 acre parcel of Agricultural Preservation Land, BRAG, LLC Farm, off of Howard Rd., where the owners want to have built a Commercial Solar Panel Field of approximately 10 acres of the land. Question: Is it against the current regulations of Agricultural Preservation Land and

to build a

**Commercial Solar Panel
Field on this type
of land?**

We are not so much against the building of a Commercial Solar Panel Field, as we are against the "location" of this Field of Solar Panels. Their plan is to put the Panels about 50 feet from the property lines of four homes. These home owners would now be seeing pine trees that will be planted, a 7 foot tall chain link fence that will be built beyond the trees, plus the Solar Panels beyond the fence, which will still be visable for a long period after tree planting and slow growth.

The once beautiful farmland views from these homes would be blocked by the pine tress, chain link fencing, and the 10 acres of Solar Panels. Needless to say, the property value of these four homes would be considerably lessened, besides the fact that their view would be drastically changed.

With 50 acres to choose a 10 acre location for the solar panel field, we are asking **that the owners of the land along with the Solar Panel Company please, "change the planned location of the Solar Panel Field to acreage away from these and any and all other homes."**

Sayers, Margery

From: Stu Kohn <stukohn@verizon.net>
Sent: Wednesday, March 17, 2021 3:07 PM
To: CouncilMail
Cc: stukohn@verizon.net
Subject: Proposed Amendments to CB17-2021
Attachments: HCCA - Testimony CB17-2021 Solar on Agricultural Preservation.docx

[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 appreciate the invitation as a guest at today's Work Session regarding the discussion on CB17-2021. I would like to take this opportunity to emphasize the importance of our HCCA Testimony (see attachment) and that stated at the Work Session. It is extremely important for you to consider concentrating on the impact of the distance that Ground Mounts could be placed from a neighbors resident as I expressed at the Work Session today. Please refer to pages 90-93 and you don't see zoning districts such as R12, 20, R-A-15, R-SA-8, etc. stating the criteria even though Ground Mounts would be permitted if CB17 were passed. These residential zoning districts where Ground Mounts would be permitted are stated in the Bill on page 25, line 6; page 22, line 20; page 34, line 22; and page 30 line 8 respectively. There needs to be clarity in this area. Quite frankly they shouldn't be permitted in these zoning districts. However if you see fit to include then we would like to see an amendment which states the minimum distance from property lines which they can be located from adjacent properties.

In addition another amendment state there shall be no removal of trees on parkland (R20 or R-H-ED) for the purpose of erecting ground mounted solar collectors.

We want to reiterate our strong recommendation of an amendment which is imperative for all your constituents paying taxes. It should state that any property owner who has entered into a contract for an Agricultural Preservation Easement and applies for permission for a CSF within 30 days of final approval of an application for the CSF on the preserved land shall reimburse the County the amount paid to the property owner for the acreage of the preservation easement to be utilized by the CSF.

Thank you for your consideration.

Stu Kohn
HCCA President



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Stu Kohn
HCCA President