

Amendment 6 to Council Bill No. 17-2021

**BY: The Chairperson at the request of
the County Executive**

**Legislative Day 6
Date: April 5, 2021**

Amendment No. 6

(This amendment allows for a conditional use for solar collector facilities on Agricultural Preservation Parcels that are less than 20% of the property and provides a process for the Hearing Examiner to review an increase in solar collector facilities on Agricultural Preservation Parcels up to 34% of the parcel, under certain conditions.)

1 On page 90, in line 21, after “a.” insert “THE PARCEL ON WHICH THE COMMERCIAL GROUND-
2 MOUNT SOLAR COLLECTOR FACILITY IS PROPOSED MUST BE A MINIMUM OF 10 ACRES IN SIZE.”.

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4 On page 90, in line 23 strike “34%” and substitute “20%”.

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6 On page 90, in line 24, strike “The parcel on which the commercial GROUND-MOUNT solar
7 facility is proposed must be” and substitute:

8 “HOWEVER, A GROUND MOUNT SOLAR COLLECTOR FACILITY ON AN AGRICULTURAL
9 PRESERVATION PARCEL CAN BE INCREASED TO A MAXIMUM OF 34% OF THE PARCEL BY THE
10 HEARING AUTHORITY IF THE HEARING AUTHORITY FINDS THAT THE USE SHALL NOT INTERFERE
11 WITH FARMING OPERATIONS OR LIMIT FUTURE FARMING PRODUCTION. THE HEARING AUTHORITY
12 SHALL CONSIDER THE FOLLOWING:

13 (1) A. AT LEAST 60% OF THE ACREAGE OUTSIDE OF THE GROUND MOUNT SOLAR
14 COLLECTOR FACILITY AREA IS VIABLE FOR A FARM OPERATION, INCLUSIVE OF FARM
15 BUILDINGS NEEDED FOR THE FARM OPERATION; AND

16 B. THE REMAINING SOILS CAPABILITY ARE MORE THAN 50% USDA CLASSES I-III AND
17 MORE THAN 66% USDA CLASSES I-IV OR;

18 (2) THE ADDITIONAL ACREAGE ABOVE THE ALLOWABLE 20% FOR THE CSF IS UNSUITABLE
19 FOR FARMING.”.

20
21 On page 91, in line 1, strike “a minimum of 10 acres in size”.