

Sayers, Margery

From: Liz Feighner <liz.feighner@gmail.com>
Sent: Monday, April 5, 2021 5:10 PM
To: CouncilMail; Rigby, Christiana
Cc: Jones, Opel; Walsh, Elizabeth; Jung, Deb; Yungmann, David
Subject: CB17 - Opposition to amendments - Feighner
Attachments: CB17 - Opposition to restrictive amendments - Feighner.pdf

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

Dear Councilwoman Rigby,

As a concerned climate activist, I testified in favor of CB-17 at the public hearing on March 15. I am very concerned about most of the proposed amendments, which dramatically restrict what CB17 proposes. CB17 as currently written already drastically restricts solar facilities from current law and is a reasonable compromise in solar siting. While **I can support Amendment 2, and hold some opposition to Amendment 6, I am strongly opposed to all other proposed amendments** to CB17 and list my reasons in this letter.

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.

First, I do **support amendment 2**, requiring the solar facility to be co-located with some "harmonious" agricultural use. Among the findings of the "[Exploring Farming and Solar Synergies](#)" report by Dr. Arjun Makhijani at [IEER](#) is that "joint agricultural and solar sector development can result in large benefits for both and for rural communities more generally." This synergy can greatly improve soil health while strengthening rural communities and their economies, so we support this amendment.

I **strongly oppose amendment 3**, which would prohibit solar facilities on the property unless active farming is on site. The Agricultural Land Preservation Program doesn't require ongoing farming, so we oppose this more onerous requirement. The requirement to co-locate a solar facility with agricultural use is sufficient and in keeping with the intent and goals of the agricultural preservation program.

I **strongly oppose amendment 7**, which would reduce the amount of the agricultural preservation land available for solar from 34% to 20%. The proposed bill already reduces the amount of land available for solar from 75 acres to 16 acres or 34%, whichever is less. To address concerns that 34% is too much, we could support amendment 6, which specifies 20% but allows up to 34% under certain conditions, but we prefer the bill as proposed with 34%.

I **strongly oppose amendment 1**, which would require minimum setbacks along the property line. This could force the solar facility to be placed on farmable portions of the property. A solar facility is quiet, doesn't produce strong odors and will not produce glare for adjacent properties. The property owner needs to be able to decide where and what type of farm operation is placed on the property without having to consider solely aesthetic concerns of adjacent property owners.

I understand the need to balance the preservation of farmland and the need to rapidly transition to clean energy. Climate change is a threat to farming. Allowing farmers to have a steady stream of income from solar will help make farming more economically viable. I also understand that the county has funded the protection of farmland at considerable cost. We will compromise ourselves into devastating weather events fueled by climate change if we restrict too severely the land available for smart solar deployment. The cost for farmland protection will pale in comparison to the cost of climate change mitigation. Look no farther than Ellicott City.

Sincerely,

Liz Feighner
10306 Champions Way
Laurel, MD 20723
District 3

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

April 5, 2021

Re: CB17 – Opposition to restrictive amendments

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10306 Champions Way
Laurel, MD 20723
District 3

Sayers, Margery

From: Dan O'Leary <danielol12832h@gmail.com>
Sent: Monday, April 5, 2021 4:42 PM
To: CouncilMail; Theodore Mariani
Subject: Solar Ground Mounts in Residential -- ZRA 197

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

Dear Council Members:

Stu Kohn of HCCA has written to you:

"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 should 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 strongly support his position. Ground mounts should not be permitted at all in some of these districts, and might be permitted in others if adequate restrictions were imposed. We are not the first to object to this

poorly-conceived omission which protects RR and RC owners on much larger lots. Why on larger properties are residents provided 100-foot setbacks and 200-foot distance from houses? This is truly nonsensical.

IF -- a big IF -- ground mounts are permitted, each district should be studied individually, and the following suggested MINIMUM restrictions applied:

- Provide a 25-foot setback from side and rear yard property lines.*
- The maximum height of collectors should be 8-feet above grade.*
- An 8-foot opaque fence should be required on the solar side of the property line providing a screen for the adjoining property.*

Please note that residential solar can be placed on roofs and ground mounts are unnecessary in most cases.

Also note that Mr. Kohn and HCCA object to ground mounts under any conditions on small residential lots. We feel obliged to propose the minimum restrictions.

Sincerely,

Ted Mariani, President
CCHWC

Dan O'Leary, Chairman

GHCA

Sayers, Margery

From: HoCo Climate Action <hococlimateaction@gmail.com>
Sent: Monday, April 5, 2021 2:26 PM
To: CouncilMail; Walsh, Elizabeth; Jones, Opel; Rigby, Christiana; Jung, Deb; Yungmann, David
Cc: Liz Feighner; Ruth Alice White; Charlie Goedeke; Betsy Singer; Shari glenn; Elisabeth Hoffman
Subject: CB17 - HoCo Climate Action opposition to restrictive amendments
Attachments: CB17 - HoCo Climate Action opposition to restrictive amendments.pdf

[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,

HoCo Climate Action testified in favor of CB-17 at the public hearing on March 15. We are very concerned about some of the proposed amendments, which drastically restrict what is currently allowed in law.

First, we **support amendment 2**, requiring the solar facility to be co-located with some “harmonious” agricultural use. Among the findings of the “[Exploring Farming and Solar Synergies](#)” report by Dr. Arjun Makhijani at [IEER](#) is that “joint agricultural and solar sector development can result in large benefits for both and for rural communities more generally.” This synergy can greatly improve soil health while strengthening rural communities and their economies, so we support this amendment.

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Sincerely,

HoCo Climate Action Steering and Advocacy Team www.hococlimateaction.org hococlimateaction@gmail.com

April 5, 2021

Re: CB17 – HoCo Climate Action opposition to restrictive amendments

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Sincerely,

HoCo Climate Action
Steering and Advocacy Team
www.hococlimateaction.org
hococlimateaction@gmail.com

Sayers, Margery

From: Dan O'Leary <danielol12832h@gmail.com>
Sent: Friday, April 2, 2021 8:34 AM
To: CouncilMail
Cc: Theodore Mariani; Stu Kohn
Subject: Amendments to CB-17, ZRA-197
Attachments: Written Test. HCC amnedments to CB17 A.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 comments on proposed amendments to this measure. We are available to answer any questions you may have.

We hope you find it useful in your deliberations.

Ted Mariani, President
CCHWC

Stu Kohn, President
HCCA

Dan O'Leary, Chairman
GHCA

To: Members of the County Council
Howard County, MD

April 1, 2021

Re: Amendments to CB 17-2021, ZRA 197

Dear Council Members:

We suggest that the Council amend amendment #6 as follows:

(Note: Red strike-through = deletions; red underline = insertions)

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

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

~~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."~~

~~21 On page 91, in line 1, strike "a minimum of 10 acres in size"~~

~~23 On page 91, in line 9, insert after " The systems shall comply with all applicable
local, state, and federal laws and provisions" and in no instance shall the capacity of
the entire installation exceed two Megawatts of capacity.~~

We suggest these changes for the following reasons:

- 1. Inclusion of the exceptions to allow an increase up to 34% would be an effective denial of the due process rights of the ordinary citizen.** It is an accepted fact by all that the conditional use process already overwhelmingly favors the applicant. The technical criteria for increase would rely solely on the expertise and testimony of the civil engineer. Even an exceptionally knowledgeable citizen would be unable to challenge the engineer in the eyes of the Hearing Authority who rely very heavily on such expertise and testimony. And, the standard of proof is by the preponderance of the evidence. Inclusion of this exception is an outright grant to expand the installation to 34%. **Keep it simple: 20% period. AND,**

- 2. 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!

Sincerely,

Theodore F Mariani, FAIA, PE, MCRP
President

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

Dan O'Leary, Chairman

Greater Highland Crossroads Association
12832 Highland Rd
Highland MD 20777

Stu Kohn, President
Howard County Citizens Association