

Howard County Solar Task Force Meeting – 2/18/2020

Minutes and Action Items

Attendees

Members: Jamie Brown; Cathy Hudson; Kevin Lucas; Franny Yuhas; Daniel Jacobs; Keith Ohlinger; Leah Miller; James Zoller; Joy Levy; Corey Ramsden; Kelly Hensing; Amy Gowan

Guests: Geoff Goins (presenter), Patrick Boddicker, Ted Mariani

Presentation: Application Procedures and Approval Processes for Commercial Solar Facilities Requirements and Procedures for Commercial Solar on Agricultural Preservation Land

Geoff Goins and Joy Levy presented on the application procedures for Commercial Solar Facilities in general (Geoff) and on Agricultural Preservation Land in particular (Joy). They provided handouts, including the relevant sections of the Howard County Zoning Regulations, and slides detailing the process (attached).

Discussion and Questions

Glare studies: County zoning regulations state that a solar project must avoid glare onto adjacent properties and roadways and that the petitioner shall include a glare study with the Conditional Use petition. Task force members with expertise in this process explained that glare studies are intended to show at what time of year and what time of day there may be glare. As solar panels are designed to absorb sunlight and are angled in a way that most glare bounces back to the sky, early morning and late evening are the times when glare on the ground is most likely and it usually only lasts a few minutes. Glare studies cost several thousand dollars, take additional time to put together, and that to date no glare studies have shown any glare problems that exceed acceptable standards. Glare tends to only be a serious issue for a type of solar installation called ‘concentrating solar power’, which uses mirrors to concentrate the sun’s energy to drive turbines or engines to generate electricity. These types of projects are not done in Maryland and wouldn’t be practical here. Given this information, the Task Force came to consensus on a recommendation to eliminate the requirement for glare studies from the Howard County zoning regulations.

Review timeline: Members discussed the amount of time it takes for solar projects to undergo review, including the County’s process and state process. The process for recent projects has taken two years on average, which is causing problems for farmers who need the supplemental income and for community solar projects that have an 18-month deadline between getting state permits (first step in the process) to starting construction of the project. Solar companies can request a 12 month extension, but have to pay a \$100,000 penalty to the state.

Size of Agricultural Preservation Lands: Joy provided information on the size of agricultural preservation properties in the County. 55 properties are 100 acres or more while 108 properties are less than 100 acres. 75 of these properties are dedicated projects.

Tax Issues: There could be tax risks to the County and the property owner if a commercial solar facility is installed before the final IPA matures.

Alternatives to Conditional Use Plan: Currently, solar companies need to have the conditional use plan, which requires an engineer and has a high cost, before they can come before the Agricultural Land Preservation Board. However, ALPB wants to have more input into placement of CSF on agricultural preservation properties. Currently, solar companies have a disincentive to change placement of CSF after investing in the conditional use plan. Members discussed some options for allowing ALPB input on projects prior to the development of a conditional use plan. This may involve a two-step process where projects are presented to the ALPB for feedback first, and then come back with the full application and come before the ALPB again.

Follow up on Previous Action Items:

Franny provided the following:

- Maximum height for solar panels: Franny responded to a question from a previous meeting with the information that the maximum height for solar panels is 5 feet off the ground when fully tilted. Higher than that would require bucket trucks and additional staff for installation, as well as more steel and longer installation costs, which makes the project cost prohibitive. She later provided additional information via email to James that depending upon the design, maximum height for the bottom edge of the panel ranged from 2.5 to 3.5 feet with the maximum top edge height being 6-7 feet. There are variations in these figures depending upon the company and the type of equipment they are installing.
- Link to State's mapping tool: Maryland of Natural Resources and the Maryland Energy Administration <https://dnr.maryland.gov/pprp/Pages/smartdg.aspx>
- Decommissioning: The Montgomery County ZTA related to Commercial Solar Facilities actually does not address a specific decommissioning bond or plan, but describes that it must be removed at end of project life or abandonment. From the state's link: <https://dnr.maryland.gov/pprp/Pages/smartdg.aspx> go to the County Zoning Guide tab, scroll down to page 10 to Section 360-109, item H) which says, "As part of the site plan approval, a description of the decommissioning and final land reclamation plan to be put into effect after anticipated useful life or abandonment or termination of the project shall be required. This will include evidence of an agreement with the property owner that ensures proper final removal of power-generating equipment."

New Action Items

- Bring map of western Howard County showing the easements for preservation. (Joy)
- Share information on what other counties allow for community solar in their zoning regulations. (Joy)

- Request that someone from Finance or SDAT attend a future meeting to discuss tax implications to County, property owners, and solar companies when CSF is placed on agricultural properties. (James)