

Kent County Renewable Energy Task Force
22 January 2016
Meeting Summary

The Kent County 2015 Renewable Energy Task Force (RETF) met on Friday, 22 January 2016 at 9:00 am in the Second Floor Conference room in the R. Clayton Mitchell, Jr. Government Center in Chestertown, MD. The following members attended: Walter Bowie, William Cooper, Briggs Cunningham, David Hill, Bob Ingersol, Kim Kohl, Janet Lewis, Samuel Shoge, Eddie Taylor, and Terry Willis. RETF staff in attendance included Amy G. Moredock, Planning Director, Stephanie Jones, Environmental Planner, and Katrina Tucker, Community Planner.

Ms. Moredock requested comments and approval of the revised 11 December 2015 meeting summary, which was accepted as presented, as well as the 8 January 2016 meeting summary that was accepted with the correction of the typographical error.

Discussion of Utility Scale Solar Energy System provisions

Ms. Moredock reviewed the decision reached at the previous meeting at which it was determined the aggregate combined project area of all utility scale solar energy systems may not exceed 1% of the total land area zoned AZD (Agricultural Zoning District). The next provision to contemplate was whether the Committee will recommend limitations on the area that an utility scale solar energy system can encompass for an individual parcel; either an acreage cap or a percentage of the parcel that can be occupied.

The members first decided to revisit whether utility scale solar energy systems in the Industrial “I” and Employment Center “EC” Districts should be permitted to exceed 30 percent of the total acreage of each district. As discussed at the 11 December 2015 meeting, a limitation, if adopted, could be reassessed by the County and reconsidered in a few years. Discussion included trade-off between “I/EC” land and AZD land for development of solar energy systems, and whether there should be a higher percentage cap on Industrial land than Employment Center Land.

- By a vote of 9 to 1 it was decided that there should be a percentage cap on the total acreage of “I” and “EC” land for utility scale solar energy systems.
- It was also the consensus to establish the same percentage cap on both I and EC.

The percentage level, whether to be 30 percent or more, was thoroughly deliberated.

- There was a motion to establish a cap of 50% of the total acreage of land zoned “I” (1,242 acres) and 50% of the total land zoned “EC” (1,539 acres) comprising a combined I and EC acreage of 1,390 acres for development of utility scale solar energy systems. By a vote of 9 to 1 the motion passed, with a consensus this cap would be revisited. Ergo, it was unnecessary to vote on a 30% cap.

Deliberations then ensued on whether there should be a limit to development of utility scale solar on an individual parcel in the AZD. Discussion noted that if a limit is established for a farm then the main purpose of the land remains agriculture. Conversely, if two or three large tracts utilize all availability, then solar arrays are concentrated in those few locations rather than dotted across the landscape. Ms. Moredock noted that in formulating recommendations there is a goal of consistency with the Comprehensive Plan and Land Use Ordinance (LUO). Ms. Moredock read the AZD Statement of Intent from the LUO.

- A vote was taken as to whether a more prescriptive per parcel limitation should be crafted or is the 1% limit of total AZD zoned land sufficiently restrictive. By a vote of 8 to 2, it was decided to establish a per parcel limit.
- In crafting a per parcel limit, it was the consensus that aggregating multiple adjoining properties would be permitted. The vote to allow multiple adjoining parcels to aggregate was unanimous.
- By a vote of 9 to 1 it was decided that a 30% limit per parcel was appropriate.
- A motion was put forth to have a total acreage cap per parcel in addition to the percent limit, which passed by a vote of 8 to 2.
- A vote was taken for an acreage cap of 60 acres, which resulted in a tie vote. A vote for 50-acre cap also resulted in a tie. Therefore, it was the consensus that regardless of the size of the parcel, the acreage for a utility scale solar energy system could not exceed 55 acres per parcel.

The members then discussed the provision that installation of a utility scale solar system being considered development as it relates to the maximum percentage of the parcel that is allowed to be placed in subdivided lots. The consensus was that it should be considered development, but the 10% limit of a parcel that can be in lots negated the decision to allow a 30% cap on parcels. The consensus was that development rights based on the AZD density of one dwelling unit per 30 acres would be utilized for utility scale solar projects. Staff will draft language for consideration at the next meeting.

Next steps

Deliberate on the staff draft text amendment for utilization of density development rights for installation of utility scale solar systems and decide on text, and continue with review of amendments to the current special exception provisions for utility scale solar energy systems in the AZD.