

Kent County Renewable Energy Task Force
19 February 2016
Meeting Summary

The Kent County 2015 Renewable Energy Task Force (RETF) met on Friday, 19 February 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, David Hill, Bob Ingersol, Janet Christensen-Lewis, Samuel Shoge, Ed Taylor, Ellyn Vail and Terry Willis. RETF staff in attendance included Katrina Tucker, Community Planner, and Stephanie Jones, Environmental Planner.

Ms. Moredock requested comments and approval of the 5 February 2016 meeting summary which was accepted as presented.

Discussion of Utility Scale Solar Energy System provisions

Based on the discussions and unanimous consensus reached at the 5 February meeting, Ms. Tucker re-drafted text regarding the utilization of density and development rights in the Agricultural Zoning District (AZD) as it relates to the installation of utility scale solar energy system.

Following deliberations of that draft language (specifically Article VII, Section 6.57.25.C), the members voted by a majority of 8 (with one abstention) to delete paragraph “ii” as it was considered duplicative of other provisions. By unanimous vote, the draft presented as paragraph “i” was divided into two sections and the word “not” was deleted. The amendments to this section will read:

- C. In AZD, installation of a utility scale solar energy system is considered development. For the duration of the time that the solar energy system or any component thereof is in place, the following shall apply:
 - i. The property owner will set aside all development and density rights that may otherwise be used for permitted uses or structures or subdivision of lots. The area is counted as development toward the maximum percentage of property in lots. Though solely for the purpose of this section, the developed area may exceed the maximum percentage of the property in lots up to the area permitted in paragraph B of this section, with the exception of “ii” of this subsection.
 - ii. On parcels in excess of 550 acres, the development of solar energy systems may not exceed ten (10) percent of the parcel or 55 acres in area, whichever is less.

The members discussed a mitigation requirement for the conversion of farmland through a fee-in-lieu payment into the County’s Agricultural Land Preservation Fund as drafted by staff. The amount would be established annually and would supplement the County’s match for MALPF participation. Mitigation would be based on soil class in order to incentivize prospective utility scale solar energy system developers to use class IV soils or above in AZD to preserve prime agricultural land within the County. With minor wording and punctuation changes, the members voted unanimously to approve Article VII, Section 6.57.25.D as drafted.

A discussion then followed concerning a potential 100 foot setback from all property lines and landscaping provisions proposed in Article VII, Sections 6.57.25.F & G. Ms. Moredock explained that the landscaping or screening is included within the project area, but setbacks would be measured from the panels (structure) to the property lines rather than measured from any fencing or landscaping. It was the consensus of the members that the 100 foot setback was appropriate, but that when adjoining parcels are aggregated a smaller setback is needed. Ms. Moredock stated that language would be drafted to be voted on at the next meeting.

Staff explained how screening and landscaping is reviewed as a part of the site plan review and approval process by the Planning Commission. If a community member voices concern during the project review, developers have typically been willing to adapt their plans to accommodate the community's issues. The members voted unanimously to approve the draft language as presented relative to the screening provisions proposed in Article VII, Section 6.57.25.G with the additional provision that landscape screening shall consist of native species.

Next steps

Staff will revise the provision concerning setbacks between adjacent parcels that are aggregating solar systems. The remaining provisions of the staff draft for utility scale solar energy systems in the AZD will be reviewed and decided.

The RETF will commence deliberations on the existing small scale solar energy provisions, followed by a review of the existing small scale and potential utility scale wind energy system provisions.