

Kent County Renewable Energy Task Force
18 March 2016
Meeting Summary

The Kent County 2015/16 Renewable Energy Task Force (RETF) meeting scheduled for Friday, 4 March 2016 was cancelled due to the forecast of inclement weather and probable lack of a quorum. The RETF subsequently met again on its regularly scheduled meeting on Friday, 18 March 2016m 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, and Ellyn Vail. RETF staff in attendance included Amy Moredock, Planning Director, and Katrina Tucker, Community Planner.

Ms. Moredock requested comments and approval of the 19 February 2016 meeting summary which was accepted as presented.

Discussion of Utility Scale Solar Energy System provisions

A fourth draft, dated 1 March 2016, of amendments to the current special exception standards for the Agricultural Zoning District (AZD) as it relates to utility scale solar energy systems was presented for review, discussion and decision. Deliberations commenced with the draft language presented on page 3 (specifically Article VII, Section 6.57.25.F) with respect to setbacks. With the clarification of the AZD front setbacks from roads, as provided for in Article V, Section 1.5.A., where a 100 foot setback from a primary road and a 75 foot setback from all other roads are required, it was the consensus to accept the text for setbacks from property lines as presented by staff such that a minimum 100 foot setback from all property lines is required except when adjacent parcels are aggregating the setback can be 3 feet from property lines. It was also the consensus to accept the text with respect to the addition of native species being added to the new section "G" on page 3. And, after discussion, no changes were made to the new section "H" concerning height.

By email dated 17 March 2016 staff clarified typo's in the memo with respect to the discussion points concerning deletion of the former section "e" that stated "[t]he solar collection system shall be incidental to the use of the farm." The discussion note should read, with strikethrough for deletion and underlined words added to fix the typos:

May a solar system occupy 30% ~~parcel~~ of the parcel if it was not otherwise a farm; i.e. the remaining 60% is wooded, wetlands, natural resource, habitat, or otherwise not actively farmed. Alternately, this section could be retained and combined with subsection "B" on page 1, ensuring that the intent remains that solar is still incidental to the principal use of the property.

The email further clarified that the issue before the RETF is whether the land on which the solar system is proposed can be something other than a farm, even though it is zoned AZD. Is the intent that a solar system must be an incidental or accessory use on the property; meaning that there is another use that is the principle use on the property. After discussion, it was also agreed to delete the former section "e" provision that "[t]he solar collection system shall be incidental to the use of the farm."

The decisions on the consensus and agreements for the above changes were subsequently put to a vote. It was unanimously decided to accept the text as presented on page 3 of the aforementioned staff memo.

The deletion of former section "i" on page 3 that stated "[o]ther than wire size, there shall be no alteration of utility infrastructure to accommodate the system" was also put to a vote. It was unanimously decided to delete this provision.

By unanimous vote it was decided to leave new section “M” (former section “I”) as it is currently written in the Land Use Ordinance, as adding the words “more restrictive” presented in the staff draft would be redundant.

The current special exception standards for the Crossroads Commercial (CC), Commercial (C), and Commercial Critical Area Districts (CCA) were next discussed, including proposed screening provisions. After deliberations, a motion was made and seconded to delete utility scale solar energy systems from all three of the Commercial Districts (CC, C, and CCA). With 7 members voting in favor of the motion and 2 opposed, the motion passed, such that the RETF recommends that utility scale solar energy systems not be allowed in the CC, C, and CCA zoning districts.

Decommissioning provisions for utility scale solar energy systems in all districts in which they would be allowed were also discussed. By unanimous vote it was decided to add the following provision to the special exception standards for the AZD and the standards for utility scale solar energy systems in the Industrial and Employment Center Districts:

Any utility scale solar energy system that is not operable for a period of 12 consecutive months or more shall be removed and the project area reclaimed at the landowner’s expense.

Discussion of Community Solar Energy Systems

A question with respect to the definition and components of Community Solar systems was posed, followed by a brief discussion. However, at this time it was not delved into further.

Discussion of Small Scale Solar Energy System provisions

The current standards for Small Solar Energy Systems in each Zoning District were briefly reviewed. Typographical corrections needed for the existing text of the Ordinance will be made if that section is amended as part of this process, and if not amended at this time, will be corrected when the Land Use Ordinance is comprehensively revised.

Next steps

The RETF will continue review of the existing small scale solar energy provisions, followed by deliberations of the existing small scale and potential utility scale wind energy system provisions. In addition, the members will be invited to participate in the next Total Maximum Daily Load Committee meeting in order to offer comments on the Environment section of the Comprehensive Plan. The Plan is currently being updated, and the project consultant is conducting a workshop session with the TMDL Committee at their April meeting.