

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND  
Legislative Session 2016, Legislative Day No. 16

Bill No. 68-16

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Mr. Wade Kach, Councilman

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By the County Council, September 19, 2016

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A BILL  
ENTITLED

AN ACT concerning

Solar Farms

FOR the purpose of imposing a temporary moratorium on the approval of any authorization for a solar farm or other solar facility in certain Zones until the completion of a study; providing exceptions; and generally relating to solar farms.

WHEREAS, the Baltimore County Master Plan 2020 recognizes that the rural portion of the County provides high quality drinking water, agricultural products, timber, scenic open space, wildlife habitat, fisheries, recreation, water sports and cultural and historic resources, and that new development changes the character of the countryside and may have detrimental impacts on these resources; and

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EXPLANATION:           CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.  
                                  [Brackets] indicate matter stricken from existing law.  
                                  ~~Strike out~~ indicates matter stricken from bill.  
                                  Underlining indicates amendments to bill.

WHEREAS, Baltimore County's Rural Land Management Areas are designed to protect resources and rural economies while permitting limited development; and

WHEREAS, Baltimore County law does not currently regulate solar farms, or any form of commercial enterprise that places solar energy systems or solar collectors on a parcel of land for the purpose of generating photovoltaic power; and

WHEREAS, by administrative decision, the County has determined that commercial solar farms may be located in the rural areas of the County, in certain resource conservation (R.C.) zones, by special exception, as a "public utility"; and

WHEREAS, it is not disputed that solar energy may help to create distributed electricity generation that will lead to greater local grid resiliency and security, as well as produce clean renewable energy and reduce air and water pollution caused by the burning of traditional fossil fuels, and reduce greenhouse gases that cause climate change; and

WHEREAS, notwithstanding the presumed benefits of solar energy, the County Council believes that a study of the land use impact of solar farms should be conducted before the use is authorized as a type of public utility; and

WHEREAS, the public health, safety and welfare demands that consideration be given to the impact that a solar farm, or other solar facility, may have upon the County's land use policies, as well as the impact upon surrounding residential communities; and

WHEREAS, the County Council believes that it is necessary for the public health, safety and welfare to impose a temporary moratorium on the issuance of any form of authorization for a solar farm or solar facility for a period of ~~six~~ four months, pending the completion of a study by the Baltimore County ~~Planning Board~~ Council ; now, therefore

1 SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE  
2 COUNTY, MARYLAND, that the authority to review an application, grant a special exception,  
3 issue a permit, or give any form of approval for the location of a solar farm or other type of solar  
4 facility in an R.C. Zone, whether as a utility or otherwise, be and hereby is suspended, through and  
5 including ~~April 30~~ February 18, 2017.

6 The term “solar farm” means the use of land whereby a series of one or more solar  
7 collectors or solar energy systems are placed in an area on a parcel of land for the purpose of  
8 generating photovoltaic power for commercial use. The term includes a solar power plant or solar  
9 photovoltaic farm.

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11 SECTION 2. AND BE IT FURTHER ENACTED, that this Act does not apply to:

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- 13 1. the installation of a solar collector that gathers solar radiation as a substitute  
14 for traditional energy for water heating, active space heating and cooling,  
15 passive heating, or generating electricity for a residential property, or  
16 2. a solar project on federal, state or local government-owned land that produces  
17 energy for government use, SUBJECT TO PRIOR NOTIFICATION OF THE  
18 PROJECT TO THE COUNTY COUNCIL AND SUBJECT TO THE FILING  
19 OF A LANDSCAPING PLAN TO BE PAID BY THE PRIVATE ENTITY  
20 THAT CONTRACTS WITH THE GOVERNMENT.

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22 SECTION 3. AND BE IT FURTHER ENACTED, that this Act, having been passed by the  
23 affirmative vote of five members of the County Council, shall take effect on October 31, 2016 and  
24 ~~shall apply prospectively, and retroactively to any application for approval of a solar farm in an~~

- 1 ~~R.C. Zone that was filed prior to the effective date of this Act.~~ shall apply prospectively, and
- 2 retroactively to October 18, 2016.