

Kent County Renewable Energy Task Force
5 February 2016
Meeting Summary

The Kent County 2015 Renewable Energy Task Force (RETF) met on Friday, 5 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, Briggs Cunningham, David Hill, Bob Ingersol, Kim Kohl, Samuel Shoge, Ellyn Vail and Terry Willis. RETF staff in attendance included Katrina Tucker, Community Planner, and Stephanie Jones, Environmental Planner.

Ms. Tucker requested comments and approval of the 22 January 2016 meeting summary which was accepted as presented.

Discussion of Utility Scale Solar Energy System provisions

Clarification of the decisions made at the 22 January 2016 meeting with respect to the changes to increase from 30% to 50% of the combined aggregate acreage that may be encumbered by utility scale solar for both the Industrial (I) and Employment Center (EC) Districts was addressed for members that were not in attendance at the previous meeting.

The height limits for roof- and ground-mounted utility scale solar energy systems in the I and EC Districts were discussed. It was noted by members that solar panels are much like buildings, and that the height should not exceed the height restrictions of the Land Use Ordinance. It was the consensus to add the words “ground-mounted” to paragraph “d” in the provisions of Article V, Section 14.2.17 of the Employment Center District and in Article V, Section 15.2.18 of the Industrial District to clarify that ground-mounted solar collection devices shall not exceed 45 feet in height.

The text of Article VII, Section 6.57.25 with respect to the special exception provisions for utility scale solar on farms in Agriculture Zoning District (AZD) was revisited. The decision that the combined acreage used by utility scale solar throughout the county shall not exceed 1% of the total land area zoned AZD was again endorsed, but further clarification was appropriate to ensure it refers to the acreage of land zoned AZD and not the entire county.

By unanimous vote, the words “in AZD” were added as shown in the following underlined text:

57.25. Solar energy systems, utility scale, on farms in the AZD provided:

- A. The combined aggregate acreage in AZD encumbered by utility scale solar energy systems throughout the County shall not exceed one (1) percent of the total land area zoned AZD.

A point was also made that the allotted 1% could be consumed by one or two individuals owning multiple, adjoining tracts since the aggregation of adjoining parcels will be possible, thus leaving no opportunities for others. The majority of the members concurred that ownership of the market cannot be controlled by zoning, so there was no consensus to move this to a vote.

The members then discussed the provision drafted by staff concerning the utilization of development rights/density for the installation of utility scale solar energy systems in the AZD. In AZD, the permissible density is 1 dwelling unit per 30 acres. Additionally, in accordance with Article V, Section 1.5, subdivisions of AZD parcels are restricted so that no more than 10% of the property may be subdivided into lots which is considered development. If a solar energy system can occupy 30% of the parcel, as approved at the 22 January 2016 meeting, then the AZD provision limiting development to 10% of the property would be surpassed. Though the draft text presented was not accepted, it was the unanimous consensus that

development of utility scale solar will use development rights in terms of both density (equivalent to 1 development unit per 30 acres) and 10% development limit. Discussion continued in this regard with members attempting to redraft the text presented by staff. After multiple motions failed for lack of a second, it was decided staff will revise the language for discussion at the next meeting.

Discussion on the mitigation proposal was deferred until the next meeting, and the remaining time devoted to the proposed screening provisions. Deliberations included whether or not the area where landscaping would be planted for the screening should be included or excluded from the 55-acre per parcel allotment. It was agreed to further discuss and decide at next meeting when screening is discussed more in depth.

Ms. Tucker also requested that the members review the proposed setbacks of 100 feet from property lines and whether setbacks would be necessary if adjoining parcels are aggregating. A brief discussion on the setbacks included whether a 100 foot setback allowed for the area to be tilled and if a shorter setback would also allow reasonable area for tilling.

Next steps

Staff will revise the provision concerning the utilization of density and development rights in the AZD. At the next meeting members will deliberate and decide on the distance for setbacks and whether or not screening should be included within the 55-acre per parcel limit. The mitigation proposal presented in the staff draft document will also be reviewed and discussed.