

COUNTY ORDINANCE NO. 11-07

AN EMERGENCY BILL ENTITLED

AN ACT CONCERNING Solar Energy and Solar Arrays in Queen Anne's County;

FOR THE PURPOSE of permitting the use of solar arrays for power generation and the generation of energy for sale; providing that such arrays would be allowable as a conditional use in the Agricultural (AG) and Countryside (CS) Districts of Queen Anne's County; allowing such use in deed restricted open space associated with noncontiguous and transfer development rights areas; providing for a report and recommendation from the Queen Anne's County Planning Commission to the Board of Appeals in connection with an application for such conditional use; providing submission requirements and site plan requirements for such applications; and providing for definitions of "Solar Energy" and "Solar Array ";

BY ADDING to Section 18:1-12,18:1-14,18:1-15,18:1-95 and 18 App-1 of the Code of Public Local Laws of Queen Anne's County.

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND that Sections 18 App-1; 18:1-14,18:1-15,18:1-12 and 18:1-95 of the Code of Public Local Laws be amended as set forth on the attached.

SECTION II

BE IT FURTHER ENACTED that this Act shall take effect on the forty-sixty (46th) day following its enactment.

INTRODUCED BY: Commissioner Dunmyer

DATE: September 27, 2011

PUBLIC HEARING HELD: November 22, 2011 @ 6:15 p.m.

VOTE: 5 Yea 0 Nay

DATE OF ADOPTION: December 13, 2011

EFFECTIVE DATE: January 28, 2012

TEXT PROPOSED TO AMEND CHAPTER 18

The following are changes made to Chapter 18 where changes are reflected as the following: underlined text for new wording and ~~striketrough~~ for deletion, with Chapter 18 in *italics*.

*Chapter 18App
Appendix a: Glossary*

§18App-1. Definitions.

In Chapter 18, the following words have the meanings indicated:

...

SOLAR ENERGY. Energy generated by the sun that is infinite or constantly renewed.

SOLAR ARRAY. A ground mounted solar collection system consisting of a linked series of photovoltaic modules excluding single user residential applications.

...

*Chapter 18
Land Use and Development*

...

§ 18:1-14.Agricultural (AG) District.

...

C. Conditional Uses ...

...

(24) Solar Arrays

§18:1-15. Countryside (CS) District.

...

C. Conditional uses.

...

(24) Solar Arrays

§ 18:1-12. Permitted uses in open space.

A. *The following are permitted or conditional uses allowed in open space areas required by this Chapter 18:1. Any use not specifically listed below is not permitted in required open space areas.*

	A	B	C
	Non-
	contiguous		
	Open Space/TDR		
<i>Allowable Uses</i>			
...			
<u>Solar Arrays</u>	<u>C</u>	<u>N</u>	<u>N</u>

§ 18:1-95 *Additional standards for specified conditional uses.*

S. Solar Arrays.

- (1) **Purpose and Intent. The purpose of this subsection is to establish guidelines for the siting of solar arrays and accessory equipment, buildings or facilities that generate, maintain, operate, manage, store and transmit power, other than facilities designed for single-user applications.**
- (2) **All applications for zoning permit for solar arrays requiring conditional use approval shall, in addition to what is otherwise required for a conditional use permit, present a Special Application in accordance with §18:1-143 to the Planning Commission during a public meeting. The Planning Commission shall forward its report and recommendations to the Board of Appeals, within 60 days of the Planning Commission’s review. The Board of Appeals shall not render its decision until the Planning Commission recommendations have been received and reviewed.**

Submission requirements for Board of Appeal conditional use approval.

- (a) **In addition to other conditional use requirements set forth in Chapter 18:1, Part 5, Article XVII, applications for solar arrays shall provide the following:**

[1] Site plans shall demonstrate the following:

- a. **Show all equipment and/or storage buildings, shelters, landscaping, access and environmental features on the site.**
- b. **Demonstrate that stormwater is managed in accordance with all county and state requirements and that there is no discharge that causes degradation of county or state waters.**

c. Show that all wiring not on the solar arrays shall be underground except where necessary to connect to the public utility.

d. Show that the gross usable area will exclude any wetland areas that are regulated by the Maryland Department of the Environment or the U.S. Department of the Interior (administered by the U.S. Army Corps of Engineers). All forested areas removed during construction or operation shall be mitigated in accordance with Chapter 18:2 Forest Conservation Act.

e. Demonstrate that any required utility right-of-way is allocated.

f. Provide a detailed landscape plan demonstrating that non invasive native plant species are used to surround the solar arrays site providing a vegetated buffer that consists of a landscaped strip at least 25 feet wide measured from each property line and/or around the perimeter of the site area of the solar arrays. Additional buffer area may be required by the Board of appeals to provide screening from adjacent residential uses and/or public or private roads and/or rights-of-way. It shall be demonstrated in the landscape plan as part of the site plan that plantings will be of a type that will adequately screen the solar arrays from view of adjoining properties and private and public roadways and a landscape berm appropriate to accept plantings, up to four feet high, may be used to assist in screening solar arrays.

g. Provide documentation that noise generated by the facility shall be limited to 60 DBA as measured at the property line except when a back-up generator is needed for maintenance. Construction on the site is exempt from this standard.

h. Provide that lighting shall be in accordance with § 118:1-85 C. Exterior Lighting Standards, of this chapter.

i. Demonstrate that the solar arrays, including the electrical and mechanical components, shall conform to relevant and applicable local, state and national codes.

(b) Maintenance of solar arrays shall be demonstrated according to following guidelines:

[1] If solvents are required for cleaning of solar modules, they must be biodegradable.

[2] All broken or waste solar modules shall be removed from the site within 60 days of being taken out of service.

[3] A maintenance agreement for the landscape plan is provided with assurance of replacement for plantings and viability of the landscaped buffer.

(c) Removal of abandoned solar generating equipment.

[1] A bond, whose amount shall be determined by the Board of Appeals, shall be required to assure removal of any unused solar arrays.

[2] Any solar energy power generating system that has not operated for a continuous period of 12 months shall be considered unused and abandoned unless the Board of Appeals grants an extension. The owner of an unused system shall remove the entire system within six months of receipt of notice from Queen Anne's County notifying the owner of the equipment removal requirement. Removal includes removing any underground structures or supports and electrical transmission wire. All materials must be legally removed from the site. The site shall be restored to its original condition after removal is complete.