

**Open Work Session
Update on Proposed Solar Regulations
November 16, 2021**

Ms. Lori Carter, Director of Planning, Zoning, and Community Development; Mr. Clark Meadows, Zoning Administrator; and Mr. Paul Wilber, County Attorney, came before Council.

Mr. Wilber said they are doing what the code requires. He said staff has been working with legal to develop Legislation on solar, and it will have to go to the Planning Commission, as required, and then it will come back to Council. He explained that they want to have the Planning Commission deal with the DAF subject and send that to Council, and then deal with the solar, but there is Legislation that is being put together right now for solar.

Ms. Carter said she wants to echo what Mr. Wilber has stated. She said staff has been working with legal, and they have been looking at several other Counties, a total of five so far. She said hopefully they can get this moving towards the Planning Commission, and then they can come back to Council, hopefully sometime in March.

Mr. Cannon asked if Mr. McCain is working with this group, to which Mr. McCain responded, yes. He said they have had a couple of really good, productive meetings. He said he thinks one of the good things about this is that a lot of other Counties have already done this, so a lot of the work has been done, so they are not reinventing the wheel by any stretch of the imagination. He said almost all of the Counties in Maryland have done something in their zoning codes, but probably one of the more recent Counties that instituted this is St. Mary's. He said one thing he liked about St. Mary's is just the fact that they had a study group that met for two years, so they have done all the work. He said St. Mary's also looked at what other Counties did and then came up with their proposals, but, once again, they did all this work, so Wicomico County does not have to reinvent the wheel.

Ms. Carter said that is the actual goal so far. She said, as Mr. McCain stated, they looked at St. Mary's, Kent, Talbot, Queen Anne's, and also Worcester as well. She said that is where they are at, and they hope to be back to Council in March as they work with the Planning Commission.

Mr. Dodd asked if Ms. Carter checked with MACo to see what they have, to which Ms. Carter responded, yes. Mr. Dodd said he knows that is a hot topic in Annapolis.

Mr. Dodd said they are seeing a lot of the smaller plots of land popping up with solar panels. He then asked if that falls under type of Legislation, or do they need permits, to which Mr. Meadows responded, smaller facilities being 2 megawatts output or lower fall under County jurisdiction and do not require the issuance of a CPCN application through the Public Service Commission, so they are by special exception in most zoning districts through the Board of Appeals. He said all the pertinent inspections and permits by Public Works and Planning and Zoning apply.

Mr. McCain asked if they get a building permit when they install those, to which Mr. Meadows responded, yes. Mr. McCain said he saw on the Planning Commission's agenda that he thinks there were two or three of them for rooftop solar, to which Mr. Meadows responded, that would require a building permit, and is not something that would require a special exception.

Mr. Dodd asked if they require fences for safety to keep kids out, to which Mr. Meadows responded, with the facilities that have come before the Board of Appeals, that is required by condition of approval. He said the facilities he is familiar with that have gone through the Public Service Commission have required that as their condition, and he does not know that it is statutory, but it is consistently a part of the project. Mr. Dodd asked if they know how many government jurisdictions have solar fields, as he knows Ocean City has one that goes several miles into Worcester County, and Pocomoke has one. Mr. Meadows asked if Mr. Dodd means they are actually owned by the town, to which Mr. Dodd responded, yes. Mr. Meadows said he does not know. Mr. Holloway said Pittsville has one. Mr. Meadows said the County has one on Waller Road. Mr. Dodd said, with what he is looking at, they are totally separate and it is not attached to anything else. He said he knows when Mr. Weston Young was here he was looking into that, and he guesses that went along the wayside, but it is interesting.


There was no further discussion.



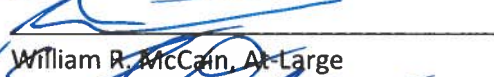
Larry W. Dodd, President, District 3



Joe Holloway, Vice President, District 5



John T. Cannon, At-Large



William R. McCain, At-Large



Ernest F. Davis, District 1



Nicole Acle, District 2



Josh Hastings, District 4



Laura Hurley, Council Administrator