

**Open Work Session**  
**Discussion on Solar Development**  
**August 18, 2020**

Mr. Ryan Showalter, Esq., came before Council and said he is a land use real estate attorney with McAllister, DeTar, Showalter, and Walker, a law firm based in Easton. He said he has had the opportunity to work with Mr. McCain on a number of utility scale solar projects throughout the Delmarva Peninsula over the last several years. He said he understands the County has had dialogue about solar and solar regulations, and Mr. McCain asked him to appear before Council today and share a portion of the presentation he made to an agricultural environmental law conference that was hosted by the University of Maryland's Ag Law Educational Initiative last fall. He said he is more than happy to be interrupted and take questions, or run through a presentation. He clarified, he is not here to advocate for any particular position necessarily, but Mr. McCain asked him to just provide some general background information to Council about utility scale solar in the State of Maryland, and the role of State and local governments under the current regulatory structure.

Mr. Showalter said he provided Council with hard copies, and he may skip over a couple of the slides and move through it fairly quickly, but he will be happy to pause for any questions. He said the first thing that is important to understand is that Maryland has a regulatory scheme called the Renewable Energy Portfolio Standard (RPS). He said this is a statutory requirement enacted by the General Assembly that requires Maryland electric utilities to either obtain certain percentages of their power from renewable sources, or to buy tradeable renewable energy credits to, essentially, offset the use of nonrenewable power. He said the General Assembly requires by 2030 that 14.5 percent of the power in Maryland come from solar sources. He said this structure was created by the State Government to help incentivize the development of renewable energy, and his next slide looks at a sort of back of the envelope calculation of what that means from an acreage perspective. He said Maryland is projected to use 54,500,000 megawatts of electricity in 2030, and, in order for 14.5 percent of that to come from solar, they need about 7.9 million megawatt hours of generation from solar. He said the solar existing in the State of Maryland today is about 1.1 million megawatt hours. He said, if they assume 100 percent of the new solar to be used in the State of Maryland will come from ground mounted, not rooftops, they need about 38,000 acres of new land based solar. He said, obviously, there are significant opportunities for rooftop solar, and that will continue to be developed more so on the Western Shore where there are more rooftops than over here. He said his next slide assumes that 60 percent of the solar required by State law by 2030 would come from land based solar, and, while it is important and useful to use rooftops to generate solar energy, it is much less efficient than land based. He explained, if they imagine a Target or Walmart, or a manufacturing facility, there is rooftop equipment and ventilation shafts, so it is not an entire rooftop that can be covered by solar. He said, if they assume 60 percent of Maryland solar will be generated from land-based development, Maryland still needs 22,660 acres of new solar development over the next ten years to meet that General Assembly requirement.

Mr. Showalter said Maryland's regulatory scheme has an agency called the Public Service Commission (PSC), which is charged with reviewing and approving all significant new electric generation. He said they review new power plants and solar facilities, among other types of generation. He said the PSC's new generation permitting is informed by a group organized under the Department of Natural Resources

called the Power Plant Research Program (PPRP), which is comprised of both State employees and third-party consultants, and their job is to consolidate State and local agency comments to do environmental and impact analysis on all new generating projects and make formal recommendations to the PSC on all generation projects that appear before them. He said PPRP has an online tool that is useful for local governments and solar developers that has a series of data sets that provide information on constraints for the development of solar, such as location of mapped prime farmland or prime ag soils throughout the State, location of Maryland Ag Land Preservation Foundation easements and other State easements that would not permit solar, and zoning restrictions. He said some jurisdictions have no limitations on solar, and some have very restrictive limitations, and he finds this tool to be informative but not entirely reliable, so it gives a good general idea of where solar may be possible, but it is not as granular as one might hope; for example, his slide shows a closeup of the PPRP online tool looking at Kent Island. He said Queen Anne's County enacted an overlay zoning district that permits large scale solar within a two-mile radius of the major north-south transmission line on Route 301, but, looking at Kent Island and Route 301 going through Queen Anne's County, it does not identify the overlay district or have the zoning correct. He said this tool also provides a general list of pending and approved large scale solar projects in the State, but he finds this to be incomplete, so it is informative, but not entirely reliable.

Mr. Showalter said utility scale solar projects range from two to three megawatts at the small end, so that would be something that would take up 15 to 20 acres of land. He said the largest approved in the State to date is a project in Caroline County called Cherrywood, and that is a 200-megawatt project proposed on about 1,000 acres in Caroline County. He said that project went through both the local zoning process and also the Public Service Commission review process. He said Maryland has been approving utility scale solar since about 2014, and there were two relatively small projects approved in both 2014 and 2015. He said nine projects were approved in 2016, four projects approved and one denied in 2017, eight projects approved in 2018, and in 2019 there were four approved through late October, one of them being the 200-megawatt project in Caroline.

Mr. Showalter said the State approval process for any solar larger than two megawatts, which is about 16 acres of panels, is that it requires a certificate of public convenience and necessity (CPCN) from the Public Service Commission. He explained, that process involves the filing of an application with notice to the local governments, both County and any municipalities that might be involved. He said it triggers review by the Power Plant Research Program, so they do extensive coordination with the State agencies, they do site visits, and include the local planning staff and local government representatives. He said they hold at least one public hearing in the jurisdiction where the project is to be held, they hold evidentiary hearings at the PSC offices, and then an administrative law judge issues a proposed order, either approving or denying the project, and that proposed order typically is accompanied by a fairly extensive report from the PPRP in which they propose conditions on the approval. He said a lot of times the PPRP report may be 10-20 pages and include 20 to 40 conditions of approval. He said the proposed order is published for members of the public, local governments, and aggrieved parties to comment on, and then a final order is issued. He said the final order is appealable to the courts. He said, after that, in order to construct the project, the applicant has to demonstrate to the PSC that they complied with and satisfied the CPCN conditions. He said a decision by the Maryland Court of Appeals was released last summer in a case captioned as the Board of County Commissioners of Washington County versus Perennial Solar. He said there has been significant debate in the State of Maryland over the last five

years or so about what authority local governments actually have with respect to projects that require a CPCN. He said the Maryland Court of Appeals, which is the highest court in the State, issued a decision that held that the PSC's approval of CPCN preempts local zoning and land use requirements with respect to the siting of a solar facility. He clarified, what that means is, under State law, if the PSC grants a CPCN approval, that preempts or overrides local government's authority with respect to siting decisions.

Mr. Showalter said his next slides are from a presentation provided by himself, Les Knapp of MACo, and Sandra Macklemore, who is an Assistant Attorney General with the Power Plant Research Program, so some of these slides have different contributor's perspectives. He said this next slide came from MACo, and their perspective on this case is that the holding is very narrow and does not eliminate the role of local government in the CPCN process, and he tends to agree with that. He said the case does not affect the PSC decision making process. He said one very important thing under State law is that the General Assembly revised the law several years ago to require the PSC to make CPCN decisions only after they give "due consideration" to a number of things, three of which are important for today's discussion. He said one is the recommendation of the governing body where the project is proposed, so, if there was a project in this County, the PSC has to give due consideration to the County Council's recommendation or perspective. He said the second is that the PSC has to consider impacts of the proposed project on the stability and reliability of the electric system on local economics, local aesthetics, impacts on historic sites, impacts on aviation, and impacts on the environment, and they are guided principally by the PPRP in evaluating those considerations. He said the third is that the PSC has to give due consideration of the project's consistency with the comprehensive plan and zoning of the local jurisdiction and of the project developer's efforts to address the concerns of the County or town in which the project is proposed. He clarified, it does not require the PSC to implement local zoning, it does not require them to defer to local zoning, and it does not even require them to accept or follow local zoning, but it does require that they give due consideration to the local government perspective and their comprehensive plan and zoning.

Mr. Cannon asked how the term "due consideration" is implemented, to which Mr. Showalter responded, that varies by project, and, frankly, he thinks it varies based upon the politics of a particular project. He said there have been at least two projects in the State where the local government was opposed to the project, citizens were opposed to the project, and they had either provisions in their comprehensive plan or zoning that addressed where they wanted or did not want solar. He said one in Kent County was a wind project, not a solar project, and the PSC denied the project in part based on the inconsistencies with the local perspectives. Mr. Hastings said there was a wind project that became a solar project, and then that was rejected too, to which Mr. Showalter responded, that is right. He explained, typically, even though there is the perennial decision preemption, on all of their projects they apply for the local government approvals and the CPCN at the same time, and try to track those processes so, in an ideal world, if the project is sited in a location where the jurisdiction is supportive of it from an economic perspective, it moves through the special exception or site plan process at the same time it is going through the PSC's review, and then the PPRP can point to the special exception approval as demonstration that it is consistent with the local zoning. He said, if there is no local zoning, or if there is an objection, they do not have that alignment, so then it is more challenging for them to deal with.

Mr. Showalter said they see a wide range of zoning approaches in the State with respect to solar. He said Talbot County adopted a cap slightly under 800 acres, and, essentially, said they want to see no

more than 800 acres of utility scale solar in their County, and when they hit that cap, that is the end of it. Mr. McCain asked if Caroline also has a cap, to which Mr. Showalter responded, Caroline has a cap of 2,000 acres right now. He said Queen Anne's does not have a cap on the number of acres that could be developed as solar, but they adopted a two-mile swathe on each side of the transmission corridor, so they have limited it to lands within that two mile overlay district. He said a number of jurisdictions have adopted a personal property tax on electric generating property, so they adopted a tax on generating equipment. He said, for example, Queen Anne's said they will grant a payment in lieu of taxes or a pilot agreement for the first 3,000 acres of solar generating projects that are approved, and after that there is not a cap on the number of acres of solar, but they have to pay the full freight of the tax, which probably means the projects are not cost effective. Mr. McCain asked if the personal property tax is automatic, or does the County actually have to adopt personal property tax on solar generating equipment, to which Mr. Showalter responded, most Counties that have done this have adopted a tax on electric generating equipment. He clarified, not only solar, but it applies to coal, gas, and wind as well, but most jurisdictions only have solar generating facilities right now, and use that tax as a way to help steer projects. He said they grant pilots for projects they want to see and projects that work through their process, and invite others to pay the full freight if they can make their project economically viable.

Mr. Taylor asked if the reason Kent County and Queen Anne's adopted their particular tax was because they did not originally have any personal property tax, so, to tax solar generating infrastructure, they had to pass something; whereas, Counties that already have an across the board personal property tax do not have to do that, to which Mr. Showalter responded, that is correct. Mr. Taylor said he thinks Wicomico is in the latter category, to which Mr. Showalter responded, that is right. He explained, there is specific authority under the State law for a pilot relating to electric generators. Mr. Taylor asked if that is enabling Legislation, to which Mr. Showalter responded, that is correct. Mr. Taylor said Wicomico already has that, to which Mr. Showalter responded, that is right.

Mr. Showalter said there has been a lot of discussion about the County's role in the CPCN process, and the State offers to hold a joint public hearing with the County or municipal government. He clarified, it is not something the County is required to do, but, in most projects, they find that the County Government elects to hold a joint hearing, so one or more Commissioners will sit at the table with the administrative law judge and participate in the hearing. He said the County has the opportunity to participate in the CPCN docket before the Public Service Commission, so, in many cases, Counties file a motion to intervene and participate as a party. He said they receive copies of all of the pleadings and evidence that is filed in the case, and have the opportunity to weigh in and share their perspective with the Public Service Commission directly. He said the third way the County plays a role in that process is through informal participation in the meetings. He explained, they participate in site visits, and they participate with the Public Service Commission to share the County's positions or perspectives.

Mr. Showalter said his next slide has examples of projects that illustrate the size and scope of a number of projects. He said this is a difficult balancing act for everybody involved in this process, and he typically represents either solar developers or large agricultural landowners who are negotiating leases with solar developers. He said solar presents a very unique opportunity for agricultural landowners to monetize their holdings. He clarified, it is not a panacea, and is not going to overtake agriculture. He said they need a lot of additional acres to meet the State mandate, but a very small percentage of the total land

that is in agricultural production to meet that mandate. He said he has a number of clients who find great opportunity with solar to take their least productive ag land, whether it is unirrigated and dry, or whether it is some of their wetter and less productive land, and put it into potential solar leasing to generate additional revenue. He said the solar developer has a challenge to balance landowner considerations, State and local perspectives including zoning, and local community perspectives. He said aesthetics is a real driver on these projects, and they find that everybody is happy to have projects that are well sited and located behind forest vegetation that nobody can see, and Counties are happy to have the tax revenue, and neighbors have no objection, but a solar project proposed adjacent to houses and immediately visible from people's backyards generates a very different reaction for obvious reasons.

Mr. Holloway said Mr. Showalter is talking about how to zone solar either through megawatts or the amount of land that is used. He then asked, as technology moves forward, will these solar panels be more efficient, and will more megawatts be concentrated into a smaller area, to which Mr. Showalter responded, absolutely. He said he does not think there is any jurisdiction in Maryland that restricts the amount of generation, the number of megawatts. He said all of the regulations he has seen regarding location or scope either deal with a geographic limitation or a total number of acres, but they do not impose a cap on generation. He said solar panels right now have a lifespan of 20 to 30 years, and certainly within the first five to seven years they are probably not likely to see sufficient technology development to warrant the cost of replacing the panels, but technology changes quickly. He said, if they get to the point in five to ten years where the additional power that could be generated offsets the cost of recycling or replacing panels, he expects they will see new technology.

Mr. Showalter said the zoning approvals in most jurisdictions are either considerations that are permitted by right subject to site plan review, or projects that are permitted by special exception or conditional uses exception. He said, in most cases they require site plan approval, and aesthetic and screening considerations are often the most significant topics for local governments and the general public. He said his next slide is an example of a project in Queen Anne's County called Jones Farm Solar. He said this project is surrounded by trees with the exception of the very northern limit. He said there is a small section of a couple hundred feet along Blanco Road, and the southeastern portion of the project also had about a 300 to 400-foot segment along a public road, and the rest of it was surrounded by woods. He said it proposed a buffer approximately 50 feet in width with a combination of evergreen trees and shrubs and some pollinator plantings. He said it was approved with virtually no public engagement or opposition, and progressed very quickly. He said his next slide shows a project in Northern Queen Anne's County called Bluegrass Solar, and it has lots of frontage on open and exposed public roads, but not significant areas of residential development in the vicinity, and it is still very visible from the public road. He said he provided just a couple slides for Council's reference on the nature of screening Counties are requiring. He said this slide is an existing condition view of a site from a public road, and the next slide is an image of the proposed project with the size of landscaping proposed at planting, so it is a combination of overstory trees, understory trees, evergreens, and shrubs, and a landscape buffer of approximately 50 feet in width. He said his next slide is a visualization of that same buffer two years after planting, and then, lastly, shows five years after planting. He said there is not a way to screen projects of this size and scope from view immediately, and anyone who suggests they can is kidding themselves, but, with a modest amount of planting and a couple of years of growth, he thinks they can find very effective screening that will address a lot of the aesthetic concerns.

Mr. Showalter said solar generating equipment is subject to a 50 percent exemption from the personal property tax, and depreciates over a 30-year schedule with a 25 percent floor, so, if a project has \$10 million worth of personal property associated with it on day one, \$5 million of that is taxable, and that depreciates at 3.3 percent until it hits 25 percent of the total value. He said, with pilots in most jurisdictions they often see an adjustment of the rate so the amount of taxes paid are leveled over the term of the project. He said normally, under the depreciation schedule, the tax bill would be highest the first year of the project, and as the personal property depreciates, the tax revenue would decrease. He said it is most difficult for projects to bear that large tax burden in the first couple of years after construction, and of course County Government fiscal needs are going to increase with time. He said, in many cases they either adjust the total amount to be paid over the pilot so that it is a level payment, or, in many cases, they actually reverse the payment schedule so that the lowest payments are due in the earliest part of the project, and the payments increase each year over the life of the project to make it easier for the project to carry the finance of those costs, and also better for the local government to receive more tax revenue later when their costs are expected to be higher.

Mr. Showalter said there is still a lot of movement in the State and maybe less clarity because of COVID related eruptions, but there is a Governor's taskforce on evaluating the siting of clean and renewable energy projects. He said there is certainly recognition that brown fields, developed land, and parking lots play a significant role, but there is no way they will get close to meeting the 14.5 percent goal in the next ten years using only developed lands, so this taskforce is charged with trying to prioritize the use of non-developed lands to meet the State's goals. He said there are also workgroups both under the House of Delegates and the Senate and a Statewide joint land use committee looking at siting of alternative energy projects, so it is a dynamic field. He said a lot is changing, and it seems like every month or two there is a local jurisdiction doing something different, so it is a challenging field to stay on top of.

Mr. Showalter said he appreciates this opportunity to provide Council with this update, and is happy to address any questions. Mr. McCain said, just as Ms. Porter was at the meeting earlier to educate Council about DAF, Mr. Showalter is here to educate Council about solar, and he thinks it was very well done.

Mr. Holloway said there was one statement about this still being a moving target with the State. He then asked how much of a rush Mr. Showalter thinks it should be for Council to be into the zoning issue on this. He said it is his understanding there are not a lot of high-tension powerlines that fit the large solar fields in Wicomico County, so he is wondering if they should wait and see where the State is headed on this, or is this something they should rush into, to which Mr. Showalter responded, he is not here to advocate any particular position. He said he has some clients who would say they would be happy if they did not have any regulations, and he has others who say they are interested in predictability, and do not care what the rules are, just tell them what they are, and they will play by them if the project makes sense. He clarified, he is not opposed to regulations, and, frankly, having more clarity up front that is reliable and applied consistently is better for everybody, better for the public, and better for the developers. He said his understanding is consistent with Mr. Holloways, that there is not as much transmission capacity in Wicomico County, which is why he thinks they have not seen as much pressure as other jurisdictions. He said one of the most expensive components of any project is connecting that project to the grid and getting the power onto the grid. He said what they are selling is electrons, and

electrons are fungible. He said, if there was a project a mile from Mr. McCain's house, when he turns on his TV he may not be using electrons generated down the street, they may be electrons generated somewhere else, but everything that goes into the grid is metered, and everything that comes out of the grid is metered, so having solar distributed throughout the State helps enhance the reliability of the grid as a whole by distributing that generation so they are not relying on one pipeline from Calvert Cliffs or from another powerplant to get energy to the Shore. He clarified, having said that, unless projects are located in very close proximity, and generally that is more like a quarter mile or less from transmission lines, it is not cost effective to build new transmission connections. He said what they are seeing in Queen Anne's County two-mile radius is about the extent that is economically viable to build anyway. He said, even if there is capacity on the line, it costs so much to get the power from four miles away that they cannot see those projects constructed. He said he does not think there is as much pressure in Wicomico because of that, but he does think there is value in predictability and clarity.

Mr. Taylor said they have had two projects approved here by the PSC. He said the first one, Egret, was approved in 2015 out in Hebron off Levin Dashiell Road, and that ties into the Rockwalkin substation for Choptank, which is about a quarter mile away. He said the other one, which was approved three years ago, Brick Kiln out by the landfill, has not been developed. He said he does not know for a fact, but got it from a pretty good source, but his understanding is it is because of the tie-in cost, and it just was not feasible for whoever they were dealing with. Mr. Showalter responded, there have been two challenges, and Brick Kiln may have had significant interconnection cost. He said the other challenge that has stymied development, although not permitting, over the last three or four years, is that the renewable portfolio standard, which sets the threshold on how much solar is needed in the State, was set on an increasing schedule over time. He said a couple years ago the General Assembly bumped that standard up a little bit higher, but Governor Hogan said this will cost Maryland consumers more, and he vetoed that law. He said solar developers were developing and planning for projects on the basis of this ever-increasing standard, and when it was vetoed, all of a sudden there was more solar generation than needed for credit purchases from utility suppliers. He said, for example, he has a small solar installation in his backyard, and before the veto they were getting about \$150 a month in SREC sales, but after that law was vetoed, his SREC revenue dropped to about \$9.50 a month, so they can imagine if somebody had budgeted a project anticipating multiples of his \$150 a month and then saw that cut by 90 to 95 percent, and that is one revenue stream in the financial model that caused almost all solar construction in the State to freeze for several years. He said, within the last year the General Assembly and the Governor aligned and did this increased standard to 14.5 percent by 2030, and that has pushed the SREC market back up into the mid \$70-\$80 range, and they are seeing a lot of projects that had been approved now starting to move to construction because the economics have improved.

Mr. McCain said, to address Mr. Holloway's question, Mr. Showalter mentioned that in Wicomico County they have not had a whole of people seeking out these large-scale projects, but the other side of that is also because of Wicomico's fragmentation. He clarified, they are one of the most populous Counties on Delmarva, and a lot of farms have been divided over the years, so it is hard to find an uninterrupted 400 to 500-acre clear track of land that is also isolated and does not have a development nearby or around it. He said he thinks every County on Delmarva has now instituted something in their zoning code relative to solar except for Wicomico, but he is not sure about Worcester, to which Mr. Showalter responded, he is not sure about Worcester either, but he thinks that is otherwise correct. Mr.

McCain clarified, none of the Counties had it three or four years ago, to which Mr. Showalter responded, that is right. He said Somerset County adopted a new significant revision that added comprehensive solar regulations within the last ten or twelve months, and he thinks they were the most recent.

Mr. Dodd said he has seen some smaller areas where people are putting solar panels up, and it is fenced in. He then asked what kind of guidelines they go by, are there regulations, or can anybody just put up these solar panels, to which Mr. Showalter responded, he has been involved in a couple of smaller projects here in the County, and they required a special exception under an energy use of public utility use, and a site plan approval, and they have been relatively straightforward. Mr. Dodd asked if that went through the Public Service Commission, to which Mr. Showalter responded, no, only at the County level, the County Planning Commission and County Board of Appeals. Mr. Dodd said he was not aware of that. Mr. Taylor said he checked with people in Planning and Zoning on this, and he thinks if they consider it an accessory use to the property, for example, if a landowner wants to put up something that, essentially, serves him, they do not require a special exception for that. He said there is at least one broiler house installation he is aware of, and he asked about that, and they said they considered that accessory, so they did not require special exception. He clarified, that is just what they told him, he was not involved in it. Mr. Showalter said that is true whether it is residential, agricultural, or industrial. He said, if it is installed to address the load generated by the principal use on the property, this County, like most Counties, considers that principal use, and it is a building permit. He said the project he was referring to is a small standalone generating project and has a small battery storage component, so, in addition to generating power that goes to the grid, it charges batteries during the day and can release power at night. Mr. Dodd said the one he saw had about a dozen panels, and was a church, to which Mr. Showalter responded, that would have been an accessory approval, and just a building permit would have been needed for that. Mr. Dodd asked if there should be any guidelines for safety since it is electricity, other than a fence, to which Mr. Showalter responded, these projects are governed by the electrical code in the County anyway, so we do not typically see separate safety requirements in County zoning. He said there is often a requirement there be a sign posted at each gate that provides contact information for the owner and operator in the case of an emergency. He said fire departments regularly get contact information and have shutoff information so if there was a grass wildfire, for example, they could kill power to the project, but, generally, the electrical code covers the safety considerations.

Mr. Holloway asked, if there was a commercial building that was on 400 acres of land and used a large amount of electricity, could they put 400 acres of solar panels on as an accessory, to which Mr. Showalter responded, typically most jurisdictions define an accessory use as a use that is incidental or subordinate to the principal use customarily found in connection with that use and located on the same parcel. He said he thinks it would come down to a question of what their energy consumption is. He said, if it was a wastewater treatment plant or a significant welding operation that really required a lot of power, he thinks up to whatever the load is they could generate, he would be very surprised if they have industrial facilities that would require 50 megawatts of power, so he thinks that is extreme. Mr. Holloway said somebody is always looking for a loophole, to which Mr. Showalter responded, they would have to generate a lot of electrical demand to sustain a size of a project like that. Mr. Taylor said that would also require CPCN probably. He said there are some exceptions, but he does not think it would qualify, to which Mr. Showalter responded, generally, a CPCN is required for projects that exceed



2 megawatts, but if they are using the power on site there is a CPCN exemption. Mr. Taylor said there is a limit, to which Mr. Showalter responded, that is right, there is a limit.

Mr. Hastings asked what the local process looks like for Wicomico County? He said he does not doubt for a second that the renewable portfolio standard is going to continue to increase. He said a couple of years ago he participated in a study actually looking at whether a farmer could make more money by having solar than they could doing grain, and to what degree, and they found it was close to 20 times the amount they could get off of any kind of cash grain. He clarified, of course there are other costs associated with it, but, nonetheless, 20 times more amount of money. He said, in his mind there are the two groups he thinks he witnessed when he worked across other Counties. He said there are a lot of agricultural folks who do not want to see a drop in the number of production acres in a given area because that then raises the costs for the neighboring farms, and the second group is the solar sprawl. He said, if that goes into places like Hebron, or other areas that are planned for growth, they could then lose out to an area where they were going to build houses, and put out water and sewer, and get a lot more money and tax revenue by putting up homes in a place like Hebron. He said, in his mind, he is wondering what that really looks like, and how Wicomico is different than other areas. He said they may not have grid capacity at the moment, but they also have these other factors of wind energy one County over, and he does not know what that looks like for the future of transmission lines here on the Lower Shore, but one way or another, as a society, they are moving towards the direction of renewable energy, and that is not going to stop. He said he thinks he would love to see a process for Council to come up with something significant where they could clearly say, just like every other County on the Shore, to really map out where they do and do not want to see things. He said he would love to see what that process looks like for all of them. He said there are a lot of folks who have been a part of this and have helped come up with a good product that respects the rural heritage of their area but also gives that as an ability to maintain what they do have, so he would like to see Council move forward in that way.

Mr. Cannon asked, with Mr. Showalter's experience in the rural areas in particular, does he see any possible trend towards a marriage between solar panels and the poultry industry? He clarified, there are so many poultry houses that it would almost seem like putting solar panels on them may be a benefit to everyone. He then asked if there is any type of trend towards that, to which Mr. Showalter responded, to be honest, there is such little legal work involved in that because it is considered an accessory structure and just requires a building permit. He said he is seeing solar deployment on poultry houses, but he is not typically involved in that. He said there is a lot of poultry on the Eastern Shore, but there are nowhere near 23,000 acres of poultry rooftops, so it is something that is beneficial for individual farmers, but he would not call it a trend that would make a meaningful difference. Mr. Holloway said the problem with that is, with the existing poultry houses, a lot of them are truss houses that probably were not built to withstand the weight. He said newer houses can be engineered to hold the weight of that, but with the existing houses, it would be difficult to put that additional weight on top of some of them. He said it would be great if they could.

Mr. Dodd asked if Council wants to consider Legislation like Talbot County, to which Mr. Cannon responded, he likes what Mr. Showalter said about companies coming here wanting to know what the playing field is, so he thinks it is important to establish that to a certain degree. He said of course as technology improves they will need to make their adjustments as well, but he thinks they should look at

the possibility of the personal property tax lease to the pilot program. He said he thinks that would benefit whatever zoning issues may be important. Mr. Dodd asked if Council would like another Work Session on this, to which Mr. Holloway responded, he thinks they can set that up with Planning and Zoning and get them in here to talk about it. Mr. Cannon said it would be a good idea to have Planning and Zoning take some initiative. Mr. McCain said the good thing is that they do not have to reinvent the wheel. He said there are seven or eight other Counties right here on the Shore that have done this, so Wicomico can kind of pick and choose what looks the best and maybe what works for Wicomico. Mr. Holloway suggested maybe they can have somebody from the solar industry come in. Mr. Taylor said there is going to be a webinar in early October by the industry on siting in Maryland, and he thinks Mrs. Hurley distributed that to Council, and he thinks that would be worth watching. Mr. Dodd said Council will work on this in the future. There was no further discussion.



Larry W. Dodd, President, District 3

  
John T. Cannon, Vice President, At-Large


  
Ernest F. Davis, District 1

  
Nicole Aale, District 2

  
Josh Hastings, District 4

  
Joe Holloway, District 5

  
William R. McCain, At-Large

  
Laura Hurley, Council Administrator