



## **Senate Bill 685**

### *Program Open Space - Use of Property - Renewable Energy and Storage*

MACo Position: **SUPPORT**  
**WITH AMENDMENTS**

To: Education, Energy, and the Environment  
Committee

Date: February 27, 2024

From: Dominic J. Butchko

The Maryland Association of Counties (MACo) **SUPPORTS SB 685 WITH AMENDMENTS**. This bill would allow counties to use Program Open Space land to develop solar and wind energy generation.

Program Open Space (POS) is the heartbeat of Maryland's recreation and conservation landscape. Initially enacted in the 1960s, POS is funded via the transfer tax from the sale of real estate, and for the majority of jurisdictions, represents the most significant influx of capital and operating dollars for these purposes. Without POS, or if the scope of POS were to be dramatically expanded, decades of work meant to give Marylanders access to natural areas would likely be put in jeopardy.

While counties recognize the intent of SB 685 and applaud its underlying recognition of the importance of local decision-making, the breadth of the bill presents a challenge to the foundational premise of POS. In order to strike a balance between both the intent of the sponsor and of POS, counties propose a set of conceptual amendments which aim to open some areas for renewable energy development while placing guardrails around others.

#### **MACo Conceptual Amendments:**

- Reduce the authorization to develop renewable energy to rooftops, parking lots, and other developed parcels – rather than as competition for true “open space.”
- If land was purchased for recreation or conservation, but after 10 years is determined to no longer be suitable to a purpose under POS, the county may allow renewable energy development.
- Ban battery storage on POS land unless there are adequate fire suppression system installed and the batteries are not within a minimum distance of trees, playgrounds, or other areas designated by the Maryland Department of Natural Resources.

Counties applaud the forward-thinking nature of this bill, and offer amendments to balance the intent of both the sponsor and of POS. For this reason, MACo urges the Committee to give SB 685 a **FAVORABLE WITH AMENDMENTS** report.