



**Committee: Environment and Transportation**

**Testimony on: HB936 “Blue Ribbon Community Solar Land Use Commission”**

**Position: Favorable with Amendment**

**Hearing Date: March 2, 2022**

The Maryland Sierra Club and the Maryland League of Conservation Voters submit this testimony in support of HB936, with minor amendment, which will establish a Blue Ribbon Community Solar Land Use Commission to study and make recommendations regarding the land use needs to meet the full generation capacity authorized under the Community Solar Energy Generating Systems Pilot Program.

We strongly support the proposal to establish a balanced working forum to address the multifaceted issue of land use in meeting the state’s solar development needs, and specifically those of the legislatively-established Community Solar Pilot Program, which we believe offers important climate and equity benefits. Our minor amendment reflects our belief that the proposed makeup of the Commission would benefit from additional essential voices from organizations engaged in open space preservation and in low-income Community Solar development.

**Maryland needs to accelerate its overall solar energy development.** The 2019 Clean Energy Jobs Act established an essential but ambitious target for solar energy growth in the state: 14.5 percent of total electricity consumption is to come from in-state solar by 2030. Even with no increase in that consumption – a conservative assumption considering expected increases in electrification of vehicles, buildings, and other sectors – the capacity required to achieve this target is more than 4,500 megawatts (MW) of solar. As of September 2021, the Solar Energy Industry Association identifies the total of all solar installed in Maryland – including residential, commercial, utility-scale, and Community Solar – to be 1,396.5 MW.<sup>1</sup> This means that during the next 9 years, we need to build almost 3,200 MW of new solar – an average of more than 350 MW per year. This is more than we have ever built.

**Community Solar is an important part of our clean energy development, providing solar power to those who cannot have rooftop solar.** An estimated roughly three-quarters of Maryland households cannot have solar on their own roof, for multiple reasons: they rent their home, live in apartments, have roofs that are unsuitable for solar, have too much shade, or cannot afford it. The legislature’s establishment of the Community Solar Pilot Program is intended to find approaches that can effectively bring locally-produced electricity from clean, renewable solar generation at low cost to households in this majority segment of our residents. In doing so, Community Solar can potentially play an important role in expanding solar.

**The issue of land use for Community Solar projects has become a significant area of conflict and an obstacle to Pilot Program implementation.** Community Solar projects are limited to a size that is small by solar standards – no more than 2 megawatts (MW). Building projects as close as possible to this limit creates economies of scale that allow the reduced cost of Community Solar electricity relative to utility standard offer service. However, a project approaching that 2 MW size is too large to be built on any rooftop or parking lot. The need to build such projects on open land has led to the use of agricultural land, for purely economic feasibility reasons: agricultural land – with average value of about \$8,000 per acre<sup>2</sup> - is affordable for these small projects with narrow profit margins; commercial and industrial zoned land – which costs from hundreds of

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<sup>1</sup> Maryland Solar Factsheet – <https://www.seia.org/state-solar-policy/maryland-solar>

<sup>2</sup> U.S. Dept. of Agriculture; Maryland - State and County Data, Volume 1 (Geographic Area Series, Part 20, AC-17-A-20); issued April 2019.

thousands to even millions of dollars per acre in Maryland – is not affordable. The exploration of incentives and other options for promoting solar development on “disturbed and degraded” lands such as landfills, brownfields, and grayfields, has brought realization that these possibilities are limited: recent in-depth analysis indicates that only a small part of the total need for ground-based solar can be met with such disturbed lands.<sup>3</sup>

During the first four years of the legislatively-established Community Solar Pilot Program, the development of ground-based Community Solar projects in Maryland has confronted local governments and communities with challenges and sometimes conflicting interests. Identifying appropriate locations for such projects means solving a “Rubik’s Cube” of multiple factors, including identifying appropriate, available, and affordable sites with a feasible connection to the electricity grid, in the context of local land use and zoning policies. Local jurisdictions – which under Maryland law have primary responsibility for land use decision-making – have found themselves confronting challenging and often heated debates among different constituencies, and needing to respond to this challenge without much experience or technical support.

**The proposed Blue Ribbon Commission will provide a necessary forum for developing win-win solutions.**

This Commission will have an operational perspective, being focused specifically on the issues and requirements related to the time-limited implementation of the Community Solar Pilot Program. If successful, recommendations may also be useful if, as hoped, the pilot Program leads to a full-scale program, and potentially to the broader discussion of renewable energy development in Maryland. But having a limited scope – focused specifically on issues related to the Community Solar Pilot Program – will facilitate the development of approaches that can be implemented and evaluated in the context of the 7-year Pilot Program.

Absent such a Commission, there is no other apparent mechanism that will help find a path forward in addressing the multifaceted solar land use issue in a manner that builds consensus.

**The proposed Commission lacks several key voices required for effectiveness and legitimacy.** Acceptance and effectiveness of any approaches proposed by the Commission will depend on having balance and participation of all the major stakeholder constituencies that have been party to the ongoing discussions. We believe that a small number of additional participants is needed to achieve the necessary balance in representation – specifically those representing open land preservation and those focused on low-income Community Solar.

**We therefore propose that SECTION 1 (b) (6) of HB936 be amended to add:**

- (x) One representative each from two Maryland organizations (to be determined) working in open space preservation; and,*
- (xi) One representative from an organization working to develop low-income dedicated Community Solar projects.*

In summary, the Maryland Sierra Club and the Maryland League of Conservation Voters believe that the creation of this dedicated Commission will provide a necessary forum to address the complex issues of land use as related to the Community Solar Pilot Program established by the legislature. For these reasons, we request a favorable report on HB936 with the proposed amendments to achieve balance by adding important participants.

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<sup>3</sup> Utility Scale Solar Energy Coalition of Maryland, Solar Development Potential on Contaminated Lands in Maryland - Analysis of contaminated sites across Maryland to determine their development potential for solar photovoltaic electricity generation; October 2018