MARYLAND Association of COUNTIES

House Bill 1036

Public Utilities - Generating Stations - Generation and Siting
(Renewable Energy Certainty Act)

MACo Position: **OPPOSE**

To: Economic Matters Committee

Date: February 28, 2025

From: Dominic J. Butchko

The Maryland Association of Counties (MACo) respectfully **OPPOSES** HB 1036. This bill, among other things, effectively removes county authority to establish and enforce livability and safety requirements for solar energy generating systems and energy storage projects. For well over a year, county elected officials and professionals, with MACo, have engaged in good faith collaboration with the administration, advocacy groups, and industry leaders to advance Maryland's renewable energy goals through clear, effective, and balanced policies. Counties remain steadfast in their commitment to solutions that serve our shared constituents and address the collective challenges.

While the Renewable Energy Certainty Act (RECA) reflects some themes from those discussions, its current form severely undermines local input, equitable tax policy, and essential community protections. Counties urge a more balanced approach that ensures progress without sacrificing the voices and interests of our shared constituents.

Counties oppose RECA on five core principles:

Safety

Unchecked energy storage projects should not put residents at risk.
The wide use of utility scale battery storage raises serious public safety concerns, including fires, hazardous waste, and toxic fumes. Adequate oversight and fire suppression regulations are needed to ensure projects don't endanger nearby homes, schools, and businesses.

Livability

Clean energy projects should complement communities, not compromise them.
Meaningful community input ensures renewable energy projects enhance livability rather than imposing changes without regard. Residents deserve a seat at the table in shaping the future of their communities.

Local Taxpayers

Big Energy shouldn't get a tax break while residents foot the bill.
Renewable projects must pay their fair share—not drain funding from schools, public safety, and essential services. A balanced approach protects taxpayers and ensures lasting community benefits.

Affordable Housing

Renewable goals must not compromise housing affordability.
Allowing solar projects to occupy land intended for housing development undermines public investments and prices out residents. Policies must balance energy and housing needs.

Efficiency

Renewable energy should be a smart fit, not a forced one.
Fast-tracked and poorly planned policies waste resources, strain infrastructure, and disrupt communities. Smart siting policies ensure efficiency while balancing economic growth and environmental stewardship.

While MACo opposes the legislation as drafted, Maryland's counties remain unwaveringly committed to being the State's partner in government, working alongside the General Assembly to achieve better outcomes for our shared constituents. Below, please find a set of amendments which MACo believes to be a good faith effort to that end.

If enacted, HB 1036 would represent a detrimental blow to Maryland's communities, her agricultural economy, and her commitment toward advancing multiple environmental priorities. MACo stands ready to work with the sponsors, committees, and stakeholders to craft solutions which advance all of Maryland's communities forward. For this reason, MACo urges the Committee to give HB 1036 an **UNFAVORABLE** report as drafted.

MACo-Supported Amendments to HB 1036 / SB 931

Amendment #1:

On page 2, after line 7, insert,

"A PERSON MAY NOT EXERCISE A RIGHT OF CONDEMNATION IN CONNECTION WITH THE CONSTRUCTION OF A SOLAR ENERGY GENERATING STATION.".

Amendment #2:

On page 4, after line 29, insert,

"(4) "PROJECT AREA" MEANS THE LIMIT OF DISTURBANCE. A PROJECT AREA MAY BE ONE OR MORE CONTIGUOUS PARCELS OR PROPERTIES UNDER THE SAME OWNERSHIP OR LEASE AGREEMENT.

(5) "SOLAR ENERGY GENERATING SYSTEM" MEANS A GROUND-MOUNTED SOLAR ARRAY AND ANCILLARY EQUIPMENT, AND ACCESSORY BUILDINGS OR FACILITIES THAT GENERATE, MAINTAIN, OPERATE, MANAGE, DISTRIBUTE, AND TRANSMIT POWER. A SOLAR ENERGY GENERATING SYSTEM DOES NOT INCLUDE PROJECTS WHICH ARE BUILT OVER ROADS, PARKING LOTS, OR ROADWAY MEDIANS. THE SIZE OF A SOLAR ENERGY GENERATING SYSTEM IS DETERMINED BY THE PROJECT'S INTERCONNECTION AGREEMENT.".

Amendment #3:

On page 5, after line 17, insert,

"(3) THE PROJECT HAS ALL OTHER APPLICABLE FEDERAL, STATE, AND LOCAL APPROVALS.".

Amendment #4:

On page 5 strike lines 18 to 20, inclusive, in their entirety and substitute

"(D) IN ACCORDANCE WITH COMAR 20.79.01.05, 90 DAYS BEFORE SUBMITTING AN APPLICATION FOR APPROVAL UNDER THIS SECTION, THE APPLICANT SHALL PROVIDE IMMEDIATE NOTICE OF THE APPLICATION TO: "

Amendment #5:

On page 6 through 8, strike in their entirety the lines beginning with page 6, line 17 down through page 8, and substitute,

(F) NOTHING IN SECTION SHALL BE INTERPRETED TO PREVENT OR PROHIBIT THE PUBLIC SERVICE COMMISSION FROM APPLYING ADDITIONAL CONDITIONS ON AN APPLICATION.

(F-1) FOR SOLAR ENERGY GENERATING SYSTEM APPLICATIONS SUBJECT TO THE CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY (CPCN) PROCESS, THE FOLLOWING STANDARDS WILL APPLY:

(1) ALL SOLAR ENERGY GENERATING SYSTEMS SHALL BE SUBJECT TO THE SOLAR ENERGY GENERATING SYSTEM SITING STANDARDS.

(2) GROUND MOUNTED SOLAR ENERGY SYSTEMS 5 MEGAWATTS AND ABOVE SHALL NOT BE PERMITTED ON ANY LOT, PARCEL, OR TRACT OF LAND THAT;

(I) IS LOCATED WITHIN A PLANNED GROWTH AREA AS IDENTIFIED IN A LOCAL JURISDICTION'S ADOPTED COMPREHENSIVE PLAN, OR;

(II) IS ZONED FOR MEDIUM DENSITY RESIDENTIAL, HIGH DENSITY RESIDENTIAL, OR MIXED-USE WITH A RESIDENTIAL COMPONENT, OR;

(III) IS LOCATED WITHIN AN AREA DESIGNATED FOR HOUSING IN;

A. MD. CODE ANN., TITLE 05, HOUSING AND COMMUNITY DEVELOPMENT, OR;

B. MD. CODE ANN., TITLE 34, SUBTITLE 03, LAND USE.

(3) GROUND MOUNTED SOLAR ENERGY SYSTEMS BELOW 5 MEGAWATTS MAY BE PERMITTED ON A LOT, PARCEL, OR TRACT OF LAND WITHIN A PLANNED GROWTH AREA AS IDENTIFIED IN A LOCAL JURISDICTION'S ADOPTED COMPREHENSIVE PLAN IF;

(I) THE SITING OF THE FACILITY DOES NOT OBSTRUCT OR HINDER EXISTING, PLANNED, OR ANTICIPATED INFRASTRUCTURE THAT IS NECESSARY TO SERVE FUTURE HOUSING OR MIXED-USE PROJECTS, INCLUDING WATER, SEWER, AND COMPREHENSIVELY PLANNED ROADWAYS.

(II) THE SITING OF THE FACILITY DOES NOT OBSTRUCT OR HINDER THE DESIGN AND DENSITY OF A FUTURE HOUSING OR MIXED-USE PROJECT.

(III) DOES NOT OCCUPY MORE THAN 10% OF THE LOT, PARCEL, OR TRACT OF LAND.

(4) THE APPLICANT SHALL PROVIDE NOTIFICATION OF ALL SOLAR ENERGY GENERATING SYSTEMS WITH THE LOCAL GOVERNMENT EMERGENCY RESPONSE SERVICES. THE REGISTRATION SHALL INCLUDE A MAP OF THE SOLAR FACILITY NOTING THE LOCATION OF THE SOLAR COLLECTORS AND THE PANEL DISCONNECT. FACILITIES MUST PROVIDE SITE ACCESS AND CIRCULATION FOR EMERGENCY VEHICLES.

(5) A LOCAL GOVERNMENT SHALL APPLY A STANDARD PROCESS FOR THE REVIEW AND APPROVAL OF SITE DEVELOPMENT PLANS FOR SOLAR ENERGY GENERATING SYSTEMS OVER 5MW, INCLUDING THE REVIEW AND APPROVAL OF THE SITE PLAN BY THE PLANNING COMMISSION.

(6) A LOCAL GOVERNMENT SHALL REQUIRE A STANDARD PROCESS FOR THE ADMINISTRATIVE REVIEW AND APPROVAL OF SOLAR ENERGY GENERATING SYSTEMS THAT ARE 5MW OR LESS.

(7) SETBACKS FOR SOLAR ENERGY GENERATING SYSTEMS WILL BE MEASURED FROM THE NEAREST SOLAR ARRAY OR ACCESSORY EQUIPMENT, BUILDINGS OR FACILITIES THAT GENERATE, MAINTAIN, OPERATE, MANAGE, DISTRIBUTE, AND TRANSMIT POWER TO THE PROPERTY BOUNDARY. A LOCAL GOVERNMENT MAY ESTABLISH LESS RESTRICTIVE SETBACKS, BUT SETBACKS FOR SOLAR ENERGY GENERATING SYSTEMS MAY NOT EXCEED:

(I) 100 FEET FROM ALL PROPERTY LINES, EXCLUDING PROPERTY LINES THAT BISECT THE INTERIOR OF A PROJECT AREA;

(II) 150 FEET FROM NEAREST WALL OF RESIDENTIAL DWELLING;

(III) FENCING SHALL NOT BE PLACED CLOSER THAN 50 FEET FROM THE EDGE OF A DEDICATED, PRESCRIPTIVE, OR COMPREHENSIVELY PLANNED PUBLIC ROAD RIGHT OF WAY; OR

(IV) WITH THE EXCEPTION OF EQUIPMENT REQUIRED BY THE LOCAL UTILITY FOR INTERCONNECTION INTO GRID INFRASTRUCTURE, NO SOLAR ARRAY OR ACCESSORY EQUIPMENT, BUILDINGS, OR FACILITIES SHALL BE LOCATED WITHIN A DEDICATED, PRESCRIPTIVE, OR COMPREHENSIVELY PLANNED PUBLIC ROAD RIGHT OF WAY.

(8) VISUAL IMPACTS OF SOLAR FACILITIES ON PRESERVATION AREAS, SUCH AS RURAL LEGACY AREAS, AGRICULTURAL PRESERVATION AREAS, PUBLIC PARKS, SCENIC RIVERS AND BYWAYS, DESIGNATED HERITAGE AREAS, HISTORIC STRUCTURES OR SITES LISTED ON OR ELIGIBLE FOR THE NATIONAL REGISTER OF HISTORIC PLACES OR A COUNTY REGISTER OF HISTORIC PLACES, MUST BE

MITIGATED. A VIEWSHED ANALYSIS MUST BE SUBMITTED AS PART OF THE LOCAL GOVERNMENT APPLICATION TO ASSURE THAT VISUAL IMPACTS ARE MINIMIZED THROUGH SOLAR PANEL PLACEMENT, HEIGHT, LANDSCAPING, AND SCREENING.

(9) LANDSCAPE BUFFER - A LOCAL GOVERNMENT MAY REMOVE OR RELAX ANY OF THE FOLLOWING STANDARDS IN AREAS WHERE THE APPLICANT CAN REASONABLY DEMONSTRATE THAT SUCH REQUIREMENTS WOULD HAVE LESSER OR NO VISUAL BUFFER VALUE.

(I) A LANDSCAPE BUFFER THAT IS A MINIMUM OF 35 FEET WIDE MUST BE PROVIDED ALONG ALL PROPERTY LINES OR ALONG THE EXTERIOR BOUNDARY OF THE SOLAR ENERGY GENERATING SYSTEM. ALTERNATIVE LANDSCAPE BUFFER LOCATIONS MAY BE PROPOSED WITHIN THE BOUNDARY OF THE PROJECT SITE WHERE THE ALTERNATIVE BUFFER LOCATION MAXIMIZES THE EFFECTIVENESS OF THE SCREENING EFFORT. THE BUFFER MUST BE DESIGNED TO PROVIDE FOUR-SEASON VISUAL SCREENING OF THE SOLAR ENERGY GENERATING SYSTEMS AND INCLUDE MULTI-LAYERED, STAGGERED ROWS OF OVERSTORY AND UNDERSTORY TREES AND SHRUBS THAT ARE A MIX OF EVERGREEN AND DECIDUOUS VEGETATION, WITH AN EMPHASIS ON SPECIES THAT ARE NATIVE TO THE AREA. ALL PLANT MATERIAL SHALL CONFORM TO THE PLANT SIZE SPECIFICATIONS AS ESTABLISHED BY THE AMERICAN STANDARD FOR NURSERY STOCK ANSI Z60.1 AND SHALL BE PLANTED TO THOSE STANDARDS. A LOCAL GOVERNMENT MAY REQUIRE A LANDSCAPE BUFFER OF UP TO 50 FEET WHERE DEEMED NECESSARY TO MEET THE REQUIREMENTS OF (F)(8) ABOVE.

(II) THE LANDSCAPE BUFFER MUST BE INSTALLED AS EARLY IN THE CONSTRUCTION PROCESS AS PRACTICABLE AND PRIOR TO ACTIVATION OF THE SOLAR ENERGY GENERATING SYSTEMS.

(III) THE SIZE OF TREES AND SHRUBS AT THE TIME OF PLANTING MUST ACCOMMODATE ADEQUATE SCREENING OR BUFFERING BY THE END OF 5 YEARS OF PLANTING. VEGETATION USED TO ESTABLISH A VISUAL SCREEN MUST NOT BE TRIMMED TO STUNT UPWARD AND OUTWARD GROWTH OR TO OTHERWISE LIMIT THE EFFECTIVENESS OF THE VISUAL SCREEN.

(IV) IF FENCING IS PROPOSED, A LANDSCAPE BUFFER MUST BE PLACED BETWEEN THE FENCE AND THE PUBLIC VIEW. IF WIRE MESH IS USED, IT SHALL BE BLACK OR GREEN VINYL. NO BARBED OR RAZOR WIRE MAY BE USED ON FENCING AROUND THE SOLAR ENERGY GENERATING SYSTEM. FENCING SHALL BE INSTALLED AT THE INTERIOR EDGE OF THE LANDSCAPE BUFFER OR IMMEDIATELY ADJACENT TO THE SOLAR ENERGY GENERATING SYSTEM.

(V) IF FOREST OR HEDGEROWS EXIST WHERE SCREENING OR BUFFERING IS REQUIRED, IT MUST BE PRESERVED TO THE MAXIMUM EXTENT

PRACTICABLE AND SUPPLEMENTED WITH NEW PLANTINGS WHERE NECESSARY TO PROVIDE THE DESIRED SCREENING OR BUFFERING. EXISTING NONINVASIVE VEGETATION MAY BE USED FOR MEETING THE LANDSCAPE BUFFER REQUIREMENT, SUBJECT TO MEETING THE REQUIREMENTS UNDER (F)(9) I-IV) AND (F)(8).

(VI) ALL LANDSCAPING, SCREENING, AND BUFFERING MUST BE MAINTAINED WITH A 90 PERCENT SURVIVAL THRESHOLD FOR THE LIFE OF THE SOLAR ENERGY GENERATING SYSTEMS VIA A MAINTENANCE AGREEMENT THAT INCLUDES A WATERING PLAN. A LOCAL GOVERNMENT MAY ELECT TO REQUIRE A COST ESTIMATE AND LANDSCAPE SURETY. SUCH A SURETY WILL BE APPROVED AND HELD BY THE LOCAL GOVERNMENT FOR UP TO THREE YEARS AND UPON INSPECTION, MAY RELEASE UP TO 50% AND THEN BE HELD FOR TWO ADDITIONAL YEARS TO DETERMINE THE PLANT MATERIAL HAS BEEN MAINTAINED IN GOOD HEALTH. THE LOCAL GOVERNMENT RESERVES THE RIGHT TO INSPECT AND REQUIRE REPLACEMENT OF PLANT MATERIAL.

(10) GRADING

(I) GRADING SHALL BE MINIMIZED TO THE MAXIMUM EXTENT PRACTICABLE TO PRESERVE AGRICULTURAL SOILS AND PREVENT SOIL EROSION.

(II) TOPSOIL SHALL NOT BE REMOVED FROM PARCEL.

(III) TOPSOIL MAY BE TEMPORARILY STOCKPILED TO ACHIEVE GRADE BUT SHALL BE WHOLLY REPLACED TO ACHIEVE VEGETATIVE STABILIZATION.

(11) AFTER THE SEEDING OR PLANTING OF VEGETATION, THE USE OF HERBICIDES TO CONTROL VEGETATION IS STRONGLY DISCOURAGED AND MAY ONLY BE USED FOR THE PURPOSE OF CONTROLLING INVASIVE SPECIES IN COMPLIANCE WITH DEPT OF AGRICULTURE'S WEED CONTROL PROGRAM.

(12) FOR PROJECTS OR PORTIONS OF PROJECTS NOT USED FOR AGRIVOLTAICS, NATIVE POLLINATOR PLANT SPECIES OR NATIVE MEADOW SPECIES SHALL BE PLANTED AND MAINTAINED THROUGHOUT THE SOLAR PROJECT'S LIFE. THE SEED MIX SHALL INCLUDE A DIVERSITY OF SPECIES WITH VARIED BLOOM TIMES. MOWING SHALL BE LIMITED AND PERFORMED ON A SCHEDULE THAT PROMOTES THE ESTABLISHMENT OF THE NATIVE PLANTINGS, CONTROLS INVASIVE SPECIES, AND AVOIDS IMPACTS TO WILDLIFE (POLLINATING, NESTING, ETC.).

(13) EXCEPT AS REQUIRED FOR SAFETY, EMERGENCY, OR BY APPLICABLE FEDERAL, STATE, OR LOCAL AUTHORITY, NO VISIBLE LIGHT SHALL EMANATE FROM THE SOLAR ENERGY GENERATING SYSTEMS FROM DUSK TO DAWN DURING OPERATIONS.

(14) LOCAL GOVERNMENTS SHALL APPLY ENVIRONMENTAL SETBACKS AND BUFFERS CONSISTENT WITH THE REQUIREMENTS APPLIED TO COMMERCIAL OR INDUSTRIAL LAND USES.

(15) HEIGHT- MAXIMUM HEIGHT OF 15 FEET FOR ALL SOLAR ENERGY GENERATING SYSTEMS AND ACCESSORY STRUCTURES, UNLESS PROVIDING AGRIVOLTAICS WITH FARMING OPERATIONS BENEATH SOLAR PANELS. THIS DOES NOT APPLY TO THE EQUIPMENT NECESSARY FOR UTILITY INTERCONNECTION.

(16) DECOMMISSIONING AND RESTORATION OF THE PROPERTY

(I) THE PROPERTY OWNER OR APPLICANT MUST PROVIDE A COPY OF THE DECOMMISSIONING AND RESTORATION PLAN TO THE LOCAL GOVERNMENT PRIOR TO LOCAL GOVERNMENT APPROVAL. A LOCAL GOVERNMENT MAY ELECT TO ADOPT DECOMMISSIONING AND RESTORATION REQUIREMENTS CONSISTENT WITH THOSE ESTABLISHED BY THE PSC.

A BOND OR OTHER FINANCIAL ASSURANCE SHALL BE REQUIRED TO ASSURE COMPLETE REMOVAL OF A SOLAR ENERGY GENERATING SYSTEM IN AN AMOUNT EQUAL TO AN ESTIMATE OF THE COSTS ASSOCIATED WITH THE REMOVAL OF THE SOLAR ARRAY. THE FINANCIAL ASSURANCE SHALL BE AUTOMATICALLY RENEWABLE. A FINANCIAL ASSURANCE PROVIDED TO SATISFY THE CONDITIONS OF THE MARYLAND PUBLIC SERVICE COMMISSION'S CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY MAY SATISFY A LOCAL GOVERNMENT FINANCIAL ASSURANCE REQUIREMENT PROVIDED IT COMPLIES WITH THE FOREGOING AND IS ENFORCEABLE BY THE LOCAL GOVERNMENT.

THE FINANCIAL GUARANTEE MUST BE PROVIDED PRIOR TO THE ISSUANCE OF A BUILDING PERMIT OR GRADING PERMIT, WHICHEVER IS APPLIED FOR FIRST. NOTICE MUST BE PROVIDED TO THE PSC AND THE LOCAL GOVERNMENT WITHIN 30 DAYS OF THE SALE OR TRANSFER OF THE LEASE OR PROPERTY AND A NEW FINANCIAL GUARANTEE MUST BE PROVIDED BY THE NEW LEASE HOLDER OR PROPERTY OWNER.

WHEN THE SOLAR ENERGY GENERATING SYSTEM CEASES TO GENERATE ELECTRICITY FOR SALE, DOES NOT INPUT ELECTRICITY INTO THE ELECTRIC GRID FOR 12 CONSECUTIVE MONTHS (UNLESS NOTICE FOR REPOWERING IS FILED WITH THE PSC,) OR THE LEASE FOR THE SITE EXPIRES, ALL LOCAL APPROVALS WILL TERMINATE AUTOMATICALLY. THE PROPERTY OWNER OR APPLICANT SHALL UPDATE THE DECOMMISSIONING PLAN COST ESTIMATE AND CORRESPONDING APPROVED FINANCIAL INSTRUMENT EVERY FIVE YEARS AFTER THE PSC'S APPROVAL OF THE FIRST DECOMMISSIONING PLAN TO ADJUST FOR INFLATION AND ANY OTHER NECESSARY CHANGES.

REMOVAL OF THE SOLAR ENERGY GENERATING SYSTEM WILL BEGIN WITHIN 90 DAYS AFTER TERMINATION OF THE APPROVAL, AND RESTORATION OF THE PROPERTY TO THE CONDITION THAT EXISTED PRIOR TO THE INSTALLATION OF THE SOLAR ENERGY GENERATING PANELS AND ACCESSORIES WILL BE COMPLETED WITHIN TWELVE MONTHS OF THE START OF SOLAR PANEL REMOVAL. RESTORATION WILL INCLUDE THE REMOVAL FROM THE PROPERTY OF ALL ABOVE-GROUND FACILITIES, AS WELL AS ALL UNDERGROUND FOOTINGS, SUPPORTS, WIRES, MATERIALS, FENCES, ROADS, AND BERMS. ONLY LIKE-KIND TOPSOIL MAY BE USED FOR RESTORATION.

(II) THE PROPERTY OWNER OR OWNER OF THE SOLAR ENERGY GENERATING SYSTEM MUST PROVIDE NOTICE TO THE LOCAL GOVERNMENT AND THE PSC WHEN THE LEASE FOR THE SITE EXPIRES, WHEN THE SOLAR FACILITY CEASES TO GENERATE ELECTRICITY FOR SALE, OR DOES NOT INPUT ELECTRICITY INTO THE GRID FOR 60 DAYS OR LONGER, UNLESS DUE TO ROUTINE MAINTENANCE ACTIVITY.

(17) COMMUNITY MEETINGS

(I) SOLAR DEVELOPERS SHALL HOLD AT LEAST ONE PUBLICLY ADVERTISED COMMUNITY MEETING WITHIN 10 MILES OF THE PROPOSED SOLAR ENERGY GENERATING SYSTEM AND WITHIN THE SAME COUNTY PRIOR TO APPLYING FOR A CPCN TO COLLECT COMMUNITY FEEDBACK AND PROVIDE OPPORTUNITIES FOR THE SOLAR DEVELOPER TO ADDRESS CONCERNS PRIOR TO FILING FOR A CPCN OR LOCAL APPROVAL.

(II) IN UNDERSERVED OR OVERBURDENED COMMUNITIES AS DEFINED BY MDE, SOLAR DEVELOPERS SHALL HOLD AT LEAST ONE PUBLICLY ADVERTISED COMMUNITY MEETING WITHIN 10 MILES OF THE PROPOSED SOLAR ENERGY GENERATING SYSTEM AND WITHIN THE SAME COUNTY, AND ONE VIRTUAL MEETING, PRIOR TO APPLYING FOR A CPCN TO COLLECT COMMUNITY FEEDBACK AND PROVIDE OPPORTUNITIES FOR THE SOLAR DEVELOPER TO ADDRESS CONCERNS PRIOR TO FILING FOR A CPCN OR LOCAL APPROVAL.

(III) PUBLIC NOTICE OF THESE COMMUNITY MEETINGS SHALL BE POSTED AT LEAST 14 DAYS PRIOR TO THE MEETING DATE. IT SHALL BE THE RESPONSIBILITY OF THE APPLICANT TO PLACE A PUBLIC NOTICE SIGN WITHIN 10 FEET OF EACH PROPERTY LINE WHICH ABUTS A PUBLIC ROAD. IF THE PROPERTY DOES NOT ABUT A PUBLIC ROAD, A SIGN SHALL BE PLACED IN SUCH A MANNER SO THAT IT MAY BE MOST READILY SEEN AND READ BY THE PUBLIC. THE SIGN(S) SHALL BE AFFIXED TO A RIGID BOARD AND MAINTAINED AT ALL TIMES BY THE APPLICANT UNTIL THE MEETING IS HELD. THE DATE, TIME, LOCATION, AND DESCRIPTION OF THE PROPOSED SOLAR DEVELOPMENT SHALL BE INCLUDED ON THE SIGN OF THE MEETING SHALL BE INDICATED ON THE SIGN(S).

(IV) THE SOLAR DEVELOPER SHALL DOCUMENT THE PUBLIC COMMENTS AND INCLUDE THE COMMENTS IN THEIR APPLICATIONS FOR LOCAL GOVERNMENT AND CPCN APPROVAL.

Amendment #6:

On page 8, STRIKE lines 17 through 26 in their entirety and INSERT,

(G) (1) FOR SOLAR ENERGY GENERATING SYSTEM APPLICATIONS ABOVE 2 MEGAWATTS, LOCAL JURISDICTIONS MAY NOT ESTABLISH SOLAR ENERGY GENERATING SYSTEM SITING POLICIES MORE RESTRICTIVE THAN THOSE ENUMERATED IN SECTION (F).

(2) LOCAL GOVERNMENTS SHALL PROCESS THE APPLICATION FOR SOLAR ENERGY GENERATING SYSTEM APPLICATIONS BELOW 5MW AS PERMITTED USES SUBJECT TO ADMINISTRATIVE PROJECT REVIEW STANDARDS.

(3) ACCESSORY USE ON SITE NET METERING SOLAR ENERGY GENERATING SYSTEMS SHALL NOT BE SUBJECT TO THESE ENUMERATED PROVISIONS BUT MUST COMPLY WITH LOCAL LAND USE AND BUILDING CODE REQUIREMENTS.

Amendment #7:

On pages 8 and 9, strike in their entirely the lines beginning with page 8, line 27 down through page 9, line 2.

Amendment #8:

On page 9 through 11, strike in their entirety the lines beginning with page 9, line 7 down through page 11, line 25.

Explanation: The Public Service Commission is in the process of establishing a permitting and regulatory framework for expediting the safe development of utility scale battery storage in Maryland. This language conflicts with this effort and will further delay the rollout of energy storage infrastructure.

Amendment #9

On pages 11 and 12, strike in their entirety the lines beginning with page 11, line 28 down through page 12, line 14 and substitute:

"AGRIVOLTAICS MEANS THE SIMULTANEOUS USE OF AREAS OF LAND, WHICH SHALL BE MAINTAINED IN AGRICULTURAL USE ASSESSMENT AS DETERMINED UNDER TITLE 18 AND MARYLAND ASSESSMENT PROCEDURES MANUAL IN CONSULTATION WITH THE MARYLAND DEPARTMENT OF AGRICULTURE, FOR BOTH SOLAR POWER GENERATION AND:

(I) RAISING GRAINS, FRUITS, HERBS, MELONS, MUSHROOMS, NUTS, SEEDS, TOBACCO, OR VEGETABLES;

(II) RAISING POULTRY, INCLUDING CHICKENS AND TURKEYS, FOR MEAT OR EGG PRODUCTION

(III) DAIRY PRODUCTION, SUCH AS THE RAISING OF MILKING COWS;

(IV) RAISING LIVESTOCK, INCLUDING CATTLE, SHEEP, GOATS, OR PIGS;

(V) HORSE BOARDING, BREEDING, OR TRAINING;

(VI) TURF FARMING;

(VII) RAISING ORNAMENTAL SHRUBS, PLANTS, OR FLOWERS, INCLUDING AQUATIC PLANTS;

(VIII) AQUACULTURE,

(IX) SILVICULTURE; OR

(X) ANY OTHER ACTIVITY AS DETERMINED UNDER TITLE 18 AND MARYLAND ASSESSMENT PROCEDURES MANUAL IN CONSULTATION WITH THE MARYLAND DEPARTMENT OF AGRICULTURE, EXCEPT POLLINATOR HABITAT AND APIARIES.".

Amendment #10:

On page 21, in line 26, after "SECTION 4." insert

"**AND BE IT FURTHER ENACTED, That the Public Service Commission, in consultation with the Power Plant Research Program and county governments, shall explore the feasibility of establishing a limit on the total amount of prime agricultural lands occupied by solar development in each county. The Public Service Commission shall deliver an interim report with statutory and regulatory recommendations by December 1, 2025, and a final report by December 1, 2026.**

SECTION 5.".