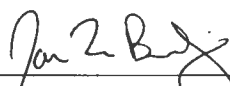


COUNTY COMMISSIONERS OF CAROLINE COUNTY, MARYLAND

LEGISLATIVE BILL #2025-011

INTRODUCED BY: COMMISSIONERS BREEDING, PORTER, AND BARTZ

INTRODUCED ON: SEPTEMBER 23, 2025

ATTEST: 
J. TRAVIS BREEDING, PRESIDENT

PUBLIC HEARING: OCTOBER 7, 2025, BEGINNING AT 9:15 A.M.
COURTHOUSE, 109 MARKET STREET, ROOM 106
DENTON, MARYLAND

THIRD READING: OCTOBER 14, 2025

ENACTED: OCTOBER 21, 2025

EFFECTIVE: DECEMBER 6, 2025

Enactment of New Chapter 75 - Creation of Agricultural Land Preservation Fund for Caroline County and Requirement of Compensatory Preservation Contributions.

AN ACT FOR THE PURPOSE of creating a fund to receive payments of Compensatory Preservation Contributions to Caroline County when solar energy generating stations (utility-scale), solar energy systems (small-scale), and energy storage devices are developed on a parcel of land any portion of which is identified Class I or II soils (soils with the high productivity for producing food crops and, thus, of national importance for preservation as farmland); to provide the method of calculating the amount of the Compensatory Preservation Contributions; to provide that money in the Agricultural Land Preservation Fund may only be used for the purchase of development rights on agricultural land in Caroline County through the purchase of agricultural land preservation easements, including, but not limited to, those acquired by the Maryland Agricultural Land Preservation Foundation pursuant to the provisions of Title 2, Subtitle 5, of the Agriculture Article of the Annotated Code of Maryland; and that all money in the Agricultural Land Preservation Fund may only be used with the written approval of the County Commissioners of Caroline County.

BY ENACTMENT of a new Chapter 75 - Agricultural Land Preservation Fund for Caroline County and Compensatory Preservation Contributions - of the Code of Public Local Laws of Caroline County.

WHEREAS, the County Commissioners of Caroline County, Maryland (the "County Commissioners") are authorized under Article XI-F of the Maryland Constitution and § 9-308 of the Local Government Article of the Annotated Code of Maryland (the "Local Government Article") to adopt public local laws in general;

WHEREAS, the County Commissioners are authorized under the Land Use Article, Title 4, of the Annotated Code of Maryland to enact and administer zoning and land use Bills; and

WHEREAS, the County Commissioners are concerned that if enough agricultural land is converted to solar facilities, it will begin to affect the viability of agriculture in this County and the region; and

WHEREAS, the County Commissioners find and declare that communities require a critical mass of farms and farmers to sustain agricultural suppliers, markets, processors, storage facilities, and other industry infrastructure, and that as more land transitions out of agriculture, the demand for these supportive services erodes; and

WHEREAS, the County Commissioners find and declare that as those services which support agriculture go out of business or consolidate, it is more difficult for remaining businesses to continue operations, and that if enough landowners convert their land to solar, it could significantly impact those who choose to keep their land in agriculture; and

WHEREAS, the County Commissioners have determined that an effective way to preserve land in the County which is identified as either Class I or II soils (soil with high productivity for producing food crops and, thus, of national importance for preservation as farmland) is to require the payment of a monetary Compensatory Preservation Contribution from all applicants for solar energy generating stations/systems and energy storage devices with project areas which include land classified as either type of Soil; and

WHEREAS, the County Commissioners have determined that the Compensatory Preservation Contributions shall be deposited into a new Agricultural Land Preservation Fund for Caroline County to be used solely to assist with preservation of agricultural land in Caroline County.

WHEREAS, this Bill may also be known by its short title "New Chapter 75: Agricultural Land Preservation Fund for Caroline County and Compensatory Preservation Contributions."

NOW, THEREFORE, in an exercise of the County's police power as a Code Home Rule County, be it enacted by the County Commissioners of Caroline County, Maryland that:

SECTION 1. A NEW CHAPTER 75 - AGRICULTURAL LAND PRESERVATION FUND AND COMPENSATORY PRESERVATION CONTRIBUTION is hereby enacted, to read:

CHAPTER 75
AGRICULTURAL LAND PRESERVATION FUND
AND
COMPENSATORY PRESERVATION CONTRIBUTIONS

§75-1. Terms defined.

Compensatory Preservation Contribution

A financial contribution made to the County when solar energy generating stations (utility-scale), solar energy systems (small-scale), and energy storage devices are developed on land any portion of which is identified as either Class I or Class II soils. This Contribution will be managed by the County in a manner consistent with §§ 2-504.1, 2-508, and 2-511 of the Agriculture Article of the Annotated Code of Maryland and §75-2 ("Creation of the Agricultural Land Preservation Fund for Caroline County") of the Code of Public Local Laws of Caroline County.

Department

The Caroline County Department of Planning and Codes.

Energy Storage Device

As defined in § 7-216 of the Public Utilities Article, Annotated Code of Maryland, a resource capable of absorbing electrical energy, storing it for a period of time, and delivering the energy for use at a later time as needed, regardless of where the resource is located on the electric distribution system. Energy storage device includes all types of electric storage technologies, regardless of their size, storage medium, or operational purpose.

Project Area

The area within one or more parcels or leaseholds under common control (ownership or lease) that encompasses all components and facilities of a solar energy generating station/system. The Project Area includes, but is not limited to, the land occupied or disturbed for photovoltaic panels or arrays, energy storage devices, inverters,

transformers, electrical wiring and interconnections, substations, interior access roads, monitoring and control equipment, fencing, stormwater management systems, grading, and any other structures or appurtenances necessary for the generation, storage, transmission, distribution, and operation of the solar facility. For purposes of determining the amount of a Compensatory Preservation Contribution, the Project Area shall include the entire limits of disturbance (LOD) and all areas of land that will be no longer available for other uses.

Solar Energy Generating Station (Utility-scale) .

A solar energy facility with a total generating capacity of one (1) megawatt (MW) or greater, measured in alternating current (AC), that converts sunlight into electrical energy for the sale or distribution of electricity to the grid, authorized under State law. For purposes of this Chapter, community solar energy generating systems shall be considered utility-scale solar energy generating stations, regardless of their generating capacity. Utility-scale solar energy generating stations are subject to regulation under the Maryland Public Utilities Article regarding siting, design, and local land use review. Such facilities are also subject to § 175-46.1 of the Zoning Chapter.

Solar Energy Generating System (Small-scale)

A solar energy facility with a total generating capacity of less than one (1) megawatt (MW), measured in alternating current (AC), that converts sunlight into electrical energy for the sale or distribution of electricity to the grid. Small-scale solar energy systems are not considered accessory solar energy systems and are regulated as a principal use and are subject to § 175-46 of the Zoning Chapter.

Vital Farmland

Land which is identified as either as Class I or Class II soils.

§75-2. Creation of the Agricultural Land Preservation Fund for Caroline County.

A. All Compensatory Preservation Contributions for agricultural land preservation collected by the County shall be deposited in a special account for the County Commissioners known as the “Agricultural Land Preservation Fund for Caroline County.”

B. Money in the Agricultural Land Preservation Fund for Caroline County may only be used for the purchase of development rights on agricultural land in Caroline County through the purchase of agricultural land preservation easements, including, but not limited to, those by the Maryland Agricultural Land Preservation Foundation pursuant to the provisions of Title 2, Subtitle 5, of the Agriculture Article of the Annotated Code of Maryland.

C. Money in the Agricultural Land Preservation Fund for Caroline County may only be used with the written approval of the County Commissioners of Caroline County.

§75-3. When a Compensatory Preservation Contribution is required.

A. Applicability. A Compensatory Preservation Contribution shall be required when any portion of the Project Area of a solar energy generating station/system or energy storage device is Vital Farmland.

B. Collection. The Department shall determine the amount of the required Compensatory Preservation Contribution at the time of final site plan approval, and it shall be collected prior to issuance of a building permit.

§75-4. Calculation of the Compensatory Preservation Contribution.

The amount of the Contribution will be calculated as follows:

A. Maryland Agricultural Land Preservation Foundation (MALPF)-Based Calculation

1. The County shall calculate the Contribution using seventy-five percent (75%) of the Average Fair Market Value as determined annually by MALPF pursuant to § 2-511 of the Agriculture Article for the entire Project Area if it contains any soils identified as Class I or Class II.
2. If MALPF no longer provides such a determination or it is otherwise unavailable, the County shall calculate the Contribution in accordance with subsection B of this section.

B. Appraisal-Based Calculation

1. The County shall retain two (2) independent, licensed real estate appraisers to conduct appraisals of the subject property.
2. The cost of such appraisals shall be borne by the developer of the solar energy generating station/system or energy storage device.
3. Each appraisal shall determine the fair market value of the Project Area. The fair market value of the Project Area is the price as of the valuation date for the highest and best use of the property, including, but not limited to, residential, commercial, industrial and solar development, which a vendor, willing but not obligated to sell, would accept for the property, and which a purchaser, willing but not obligated to buy, would pay for the property if the property was not subject to any restriction imposed under this chapter. If the Project Area consists

of only a portion of a parcel without direct access to a public right-of-way, the appraisals shall appraise the Project Area utilizing the Hypothetical Condition that it is a separate parcel with granted legal access to a public right-of-way.

C. The Compensatory Preservation Contribution shall be a sum equivalent to seventy-five percent (75%) of the average of the two (2) appraisals. Example:

100-acre parcel

Project Area is 40 acres

Of which 3 acres are Vital Farmland

Contribution amount is based upon the value of the 40 acres constituting the Project Area; the 37 acres not classified as Vital Farmland is included.

§75-5. Distribution of Compensatory Preservation Contributions.

A. The Department shall remit all Contributions collected under this section to the Director of Finance.

B. The Director of Finance shall deposit all such Contributions into the Agricultural Land Preservation Fund for Caroline County, as maintained pursuant to §75-2 of the Code of Public Local Laws of Caroline County.

SECTION 2. The Recitals to this Bill are incorporated herein and deemed a substantive part of this Bill.

SECTION 3. This ordinance is necessary to protect the public health, safety, and welfare of the residents of Caroline County, and covers matters of local concern.

SECTION 4. The provisions of this Bill are declared to be severable. If any section, subsection, sentence, clause, phrase, or portion of this Bill is for any reason held invalid or unconstitutional by any court of competent jurisdiction, the same shall be deemed separate, distinct, and independent from, and such holding shall not affect the validity of, the remaining portions of this Bill, it being the intent of the County that this Bill shall stand, notwithstanding the invalidity of any section, subsection, sentence, clause, phrase, or portion hereof.

SECTION 5. The Publishers of the Code of Public Local Laws of Caroline County, Maryland (the "Code"), the Caroline County Office of Law, or the Caroline County Department of Planning and Codes, in consultation with and subject to the approval of the County Administrator, shall be authorized to make non-substantive corrections to codification, style, capitalization, punctuation, grammar, spelling, organization, and any internal or external reference or citations to the Code that is incorrect or obsolete, with no further action required by the County Commissioners. All such corrections shall be adequately referenced and described in the editor's note following the section affected.

SECTION 6. The title and summary of this Bill shall be published in at least one newspaper of general circulation in Caroline County three times, at weekly intervals, and

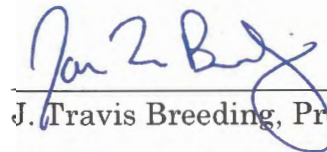
within the 4-week period after passage of the Bill, in accordance with §9-311(i) of the Local Government Article of the Annotated Code of Maryland. The title of this Bill, or a condensed version thereof, shall be deemed to be, and is, a fair summary of this Bill for publication and all other purposes. The title is not a substantive part of this Bill for publication and all other purposes. If the Bill is amended, the title may be administratively revised to conform to the content of the Bill as finally enacted.

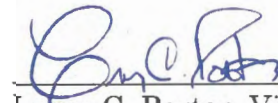
ENACTED THIS 21ST DAY OF OCTOBER, 2025.

ATTEST:

COUNTY COMMISSIONERS OF
CAROLINE COUNTY, MARYLAND

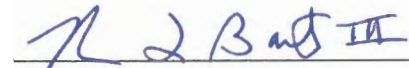

Jennifer F. Reilly
Public Information Officer


J. Travis Breeding, President


Larry C. Porter, Vice-President

(SEAL)




N. Franklin Bartz III, Member

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:


Stewart Barroll
County Attorney