

COUNTY ORDINANCE NO. 25-10

AN EMERGENCY BILL ENTITLED

AN ACT CONCERNING Community solar generating systems, energy storage devices, and solar energy generating stations to provide consistency with State Law known as the Renewable Energy Certainty Act and required by SB931 and HB1036.

FOR THE PURPOSE of adopting supplemental use regulations for community solar generating systems, energy storage devices, and solar energy generating stations in Queen Anne's County; defining key terms for such uses; establishing purpose statements for such uses; providing site plan approval standards for such uses; establishing a 5% limitation of the siting of solar energy generating stations within the County's Priority Preservation Area; establishing a payment into a compensatory preservation contribution made to the county when solar energy generating stations and energy storage devices are developed on identified Class I soils; prohibiting solar energy generating stations within Tier 1 and Tier 2 Growth Areas; providing for zoning districts where such uses may be permitted; and generally regulating, addressing and providing for community solar generating systems, energy storage devices, and solar energy generating stations;

BY ADDING Section 18:1-57.2, AMENDING Section 18App-1, and REPEALING Sections 18:1-9.Y, 18:1-38.1, and 18:1-95.S of the Code of Public Land Laws of Queen Anne's County;

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND that Section 18:1-57.2 be ADDED to the Code of Public Local Laws to read as set forth as Attachment A incorporated herein;

SECTION II

BE IT FURTHER ENACTED that 18App-1 of the Code of Public Local Laws be and are hereby AMENDED as set forth as Attachment B incorporated herein;

SECTION III

BE IT FURTHER ENACTED that Sections 18:1-9.Y, 18:1-38.1, and 18:1-95.S of the Code of Public Local Laws, set forth on Attachment C, be and is hereby REPEALED;

SECTION IV

BE IT FURTHER ENACTED that upon introduction, this Ordinance shall be referred to the Queen Anne's County Planning Commission for their investigation and recommendation;

SECTION V

BE IT FURTHER ENACTED that this Ordinance is declared to be an Emergency Bill and shall take effect immediately upon passage by a four-fifths vote of the County Commissioners of Queen Anne's County.

INTRODUCED BY: Commissioner Wilson

DATE: 6/24/25

PUBLIC HEARING HELD: 8/26/25

VOTE: 5 YEA 0 NAY

DATE OF ADOPTION: August 26, 2025

Amendment

Article VII Supplemental Uses

§ 18:1-57.2 Solar energy generating stations.

A. Purpose.

- (1) Solar energy generating stations are permitted uses in the following zoning districts: Agricultural (AG), Countryside (CS), Suburban Industrial (SI), Suburban Industrial Business Employment (SIBE), and Light Industrial Highway Service (LIHS).
- (2) Front-of-the-meter energy storage devices are permitted uses in all zoning districts.
- (3) This section sets standards for the establishment of siting standards herein are applicable to
 - (a) Minor site plan approval of community solar energy generating systems;
 - (b) Major site plan approval of commercial solar energy generating stations; and
 - (c) Major site plan approval of front-of-the-meter energy storage devices.
- (4) The following standards are applicable to solar energy generating stations sited within the Priority Preservation Area:
 - (a) The total combined number of solar energy generating stations that may be approved for construction in the Priority Preservation Area shall:
 - [1] be limited in area to 5% of the total acreage of the Priority Preservation Area;
 - [2] be located in the project area within the Priority Preservation Area; and
 - [3] meet all requirements under this section.
 - (b) The prohibitions in section A(4)(a) do not apply to the remaining 95% of the Priority Preservation Area once the 5% limitation has been achieved for the Priority Preservation Area.
 - (c) The County shall report to the Public Service Commission when the 5% limitation been achieved for the Priority Preservation Area. At such time, the County shall amend Chapter 18:1 accordingly.
- (5) Solar energy generating stations with a generating capacity of more than 5 megawatts shall not be sited within Tier 1 or Tier 2 Growth Areas mapped in accordance with § 1-506 of the Land Use Article, Annotated Code of Maryland

B. Performance standards for solar energy generating stations. In addition to other requirements imposed by this Chapter 18 and by Chapter 14, solar energy generating stations shall be subject to the following siting standards as a permitted use:

- (1) Setbacks
 - (a) 150 feet between the solar energy generating station and the nearest wall of a residential dwelling;
 - (b) 100 feet between the solar energy generating station and all property lines, not including property lines that bisect the interior of a project area;
 - (c) Except for equipment required for interconnection with electric system infrastructure, may not locate any solar array, ancillary equipment, or accessory buildings or facilities within a public road right-of-way;
 - (d) Shall be measured from the property boundary to the nearest solar array or accessory equipment, buildings, or facilities that generate, maintain, operate, manage, distribute, and transmit electricity; and
 - (e) May not apply to any interconnection tie line or facility that connects a solar energy generating station to the electric system.

- (2) A proposed solar energy generating station and any accessory structures associated with the station shall be no more than 15 feet in height.**
- (3) Fencing**
 - (a) Nonbarbed wire fencing shall be provided, unless the fencing is sited around the substations or other critical infrastructure for protection of that infrastructure;**
 - (b) Shall be no more than 20 feet in height;**
 - (c) Shall not be less than 50 feet away from the edge of any public road right-of-way;**
 - (d) Shall be sited only on the interior of a landscape buffer or immediately adjacent to a solar energy generating station; and**
 - (e) Shall be only black or green vinyl wire mesh if the owner proposes to use chain link fencing.**
- (4) Visual Impacts**
 - (a) Shall mitigate the visual impact of the solar energy generating station on a preservation area, Rural Legacy Area, Priority Preservation Area, public park, scenic river or byway, designated heritage area, or historic structure or site listed on or eligible for the National Register of Historic Places or relevant County register of historic places; and**
 - (b) For a solar energy generating station that has the capacity to produce more than 2 megawatts of electricity as measured by the alternating current of the station's inverter, shall include in the application a viewshed analysis for any area, structure, or site specified in section B(4)(a).**
- (5) Notice shall be provided of each proposed solar energy generating station to the County Department of Emergency Services, including a map of the proposed generating station and the proposed location of any solar collector or isolator switch.**
- (6) Landscaping buffer or vegetative screening**
 - (a) Shall be not more than 35 feet wide;**
 - (b) Shall not require the use of a berm;**
 - (c) Shall be provided along:**
 - [1] All property lines;**
 - [2] Locations of the exterior boundary for the solar energy generating station where existing wooded vegetation of 50 feet or more in width does not exist; or**
 - [3] An alternative location within the boundary for the solar energy generating station if the owner demonstrates that the alternative location would maximize the visual screening;**
 - (d) Shall provide for four-season visual screening of the solar energy generating station;**
 - (e) Shall be placed between any fencing and the public view;**
 - (f) Shall include multilayered, staggered rows of canopy and understory trees and shrubs that:**
 - [1] Are a mixture of evergreen and deciduous vegetation;**
 - [2] Are predominantly native species;**
 - [3] Are more than 4 feet in height at planting;**
 - [4] Are designed to provide screening or buffering within 5 years of planting;**
 - [5] May not be trimmed to stunt upward or outward growth or to otherwise limit the effectiveness of the visual screening;**
 - [6] Conform to the plant size specifications established by the American Standard for Nursery Stock (ANSI Z60.1); and**

- [7] Are specified in a landscaping plan prepared by a qualified professional landscape architect.
- (g) Shall be installed as early in the construction process as practicable and before the activation of the proposed solar energy generating station;
- (h) Any forest or hedgerow that exists at a location where visual screening or landscape buffering is required shall be preserved to the maximum extent practicable and supplemented with new plantings where necessary; and
- (i) Shall be maintained with a 90% survival threshold for the life of the solar energy generating system station through a maintenance agreement that includes a watering plan.
- (j) Shall post for the first 5 years of the life of the solar energy generating station a landscaping bond equal to 100% of the total landscaping cost with the county in which the solar energy generating station is located.
 - [1] The County shall release 50% of the landscaping bond if, on inspection, the vegetative protections meet a 90% survival threshold.
 - [2] Following the release of a landscaping bond under B(6)(i)[1], the remaining landscaping bond shall be held for an additional 2 years and, on further inspection and confirmation that the vegetative protections continue to meet a 90% survival threshold, shall be released.
- (7) With respect to the site on which a solar energy generating station is proposed for construction, the owner of the solar energy generating station:
 - (a) Shall minimize grading to the maximum extent possible;
 - (b) May not remove topsoil from the parcel, but may move or temporarily stockpile topsoil for grading;
 - (c) To maintain soil integrity, shall plant native or noninvasive naturalized vegetation and other appropriate vegetative protections that have a 90% survival threshold for the life of the solar energy generating station;
 - (d) Shall limit mowing and other unnecessary landscaping;
 - (e) May not use herbicides except to control invasive species in compliance with the Department of Agriculture's weed control program; and
 - (f) Shall make a Compensatory Preservation Contribution to the county when solar energy generating station are developed in identified Class I soils.
- (8) Except as required by law, or for safety or emergency, the solar energy generating station may not emit visible light during dusk to dawn operations.
- (9) An owner of a solar energy generating station:
 - (a) Shall enter into a decommissioning agreement with the Public Service Commission on a form that the commission provides;
 - (b) Shall post a surety bond with the Public Service Commission for 125% of the estimated future cost of decommissioning the solar energy generating station and its related infrastructure, less any salvage value;
 - (c) Shall execute a securitization bond true-up every 5 years; and
 - (d) Shall provide the County with documentation of a decommissioning agreement and bond.
- (10) If the proposed location of the solar energy generating station is in an area considered to be overburdened and underserved, as defined in § 1-701 of the Environment Article, Annotated Code of Maryland, documentation of compliance with the public

meeting requirement outlined in § 7-218 of the Public Utilities Article, Annotated Code of Maryland must be provided to the County.

- (11) Applicant must notify the Department of Planning and Zoning when ownership of the solar energy generating station changes, and the onsite signage containing emergency contact information must be kept current.

C. Performance standards for front-of-the-meter energy storage devices. In addition to other requirements imposed by this Chapter 18 and by Chapter 14, front-of-the-meter energy storage devices that will not be constructed at a commercial or industrial location shall be subject to the following siting standards as a permitted use:

- (1) Fencing
- (a) Nonbarbed wire fencing shall be provided, unless the fencing is sited around the substations or other critical infrastructure for protection of that infrastructure;
 - (b) Shall be no more than 20 feet in height; and
 - (c) Shall be only black or green vinyl wire mesh if the owner proposes to use chain link fencing.
- (2) Landscaping buffer or vegetative screening
- (a) Shall be not more than 25 feet wide;
 - (b) Shall not require the use of a berm;
 - (c) Shall be provided along:
 - [1] All property lines;
 - [2] Locations of the exterior boundary for the solar energy generating station where existing wooded vegetation of 25 feet or more in width does not exist; or
 - [3] An alternative location within the boundary for the solar energy generating station if the owner demonstrates that the alternative location would maximize the visual screening;
 - (d) Shall provide for four-season visual screening of the solar energy generating station;
 - (e) Shall be placed between any fencing and the public view;
 - (f) Shall include multilayered, staggered rows of canopy and understory trees and shrubs that:
 - [1] Are a mixture of evergreen and deciduous vegetation;
 - [2] Are predominantly native species;
 - [3] Are more than 4 feet in height at planting;
 - [4] Are designed to provide screening or buffering within 5 years of planting;
 - [5] May not be trimmed to stunt upward or outward growth or to otherwise limit the effectiveness of the visual screening;
 - [6] Conform to the plant size specifications established by the American Standard for Nursery Stock (ANSI Z60.1); and
 - [7] Are specified in a landscaping plan prepared by a qualified professional landscape architect.
 - (g) Shall be installed as early in the construction process as practicable and before the activation of the proposed solar energy generating station;
 - (h) Any forest or hedgerow that exists at a location where visual screening or landscape buffering is required shall be preserved to the maximum extent practicable and supplemented with new plantings where necessary; and

- (i) Shall be maintained with a 90% survival threshold for the life of the solar energy generating system station through a maintenance agreement that includes a watering plan.
 - (j) Shall post for the first 5 years of the life of the solar energy generating station a landscaping bond equal to 100% of the total landscaping cost with the county in which the solar energy generating station is located.
 - [1] The County shall release 50% of the landscaping bond if, on inspection, the vegetative protections meet a 90% survival threshold.
 - [2] Following the release of a landscaping bond under C(2)(j)[1], the remaining landscaping bond shall be held for an additional 2 years and, on further inspection and confirmation that the vegetative protections continue to meet a 90% survival threshold, shall be released.
- (3) With respect to the site on which a front-of-the-meter energy storage device is proposed for construction, the owner of the device:
 - (a) Shall minimize grading to the maximum extent possible;
 - (b) May not remove topsoil from the parcel, but may move or temporarily stockpile topsoil for grading;
 - (c) May not use herbicides except to control invasive species in compliance with the Department of Agriculture's weed control program; and
 - (d) Shall make a Compensatory Preservation Contribution to the county when front-of-the-meter energy storage devices are developed in identified Class I soils.
- (4) All other bulk requirements shall be as required by the underlying zoning district.
- (5) If the proposed location of a front-of-the-meter energy storage device is in an area considered to be overburdened and underserved, as defined in § 1-701 of the Environment Article, Annotated Code of Maryland, documentation of compliance with the public meeting requirement outlined in § 7-218 of the Public Utilities Article, Annotated Code of Maryland must be provided to the County.

§ 18App-1Definitions.

In Chapter 18, the following words have the meanings indicated:

Agrivoltaics

Means the simultaneous use of areas of land that are maintained in agricultural use in accordance with COMAR 18.02.03 and or the Maryland assessment procedures manual; and as defined in § 7-306.2 of the Public Utilities Article, Annotated Code of Maryland. Agrivoltaics does not include the simultaneous use of areas of land for both solar power generation and apiaries or pollinator habitat.

Community solar generating system

Also means distributed solar energy generating system and is defined in § 7–306.2 of the Public Utilities Article and:

- (i) would be required to obtain a certificate of public convenience and necessity under § 7–207 of the Public Utilities Article of the Annotated Code of Maryland if the system does not obtain a DGPCPN under this section;
- (ii) has a capacity to produce more than 2 megawatts but not more than 5 megawatts of alternating current as measured by the alternating current rating of the system’s inverter; and
- (iii) is not located within a municipal corporation.

Compensatory Preservation Contribution

Means a per acre financial contribution based on the project area made to the county when solar energy generating stations and energy storage devices are developed on identified Class I soils. The Contribution amount will be based upon 75% of the fair market value appraisal in accordance with § 2-511(e) of the Agriculture Article of the Maryland Annotated Code and as determined by the annual MALPF easement settlement process. 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 Maryland Annotated Code and § 5-32 of the Code of Public Local Laws of Queen Anne’s County (Farmland Preservation Fund).

Energy storage device

As defined in § 7–216 of the Public Utilities Article, Annotated Code of Maryland, means 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.

Priority Preservation Area

Means an area certified as a Priority Preservation Area under § 2–518 of the Agriculture Article, Annotated Code of Maryland.

Project area

An area within which construction, materials and equipment storage, grading, landscaping, and related activities for a solar energy generating station project may occur. Project area includes one or more contiguous parcels or properties under the same ownership or lease agreement.

Solar energy generating station (system)

Means an energy generating station (system) producing more than 2 megawatts of electricity that derives energy from the sun to produce electricity and includes a land use that uses solar collectors, panels, controls, *energy storage devices*, heat pumps, heat exchangers, and other materials, hardware, or equipment to produce electricity. Solar energy generating stations are typically ground-mounted systems, for the purpose of wholesale or retail sale of generated electricity to a utility company and off-site customers.

§ 18App-1Definitions.

~~UTILITY SCALE SOLAR ARRAY~~

~~A commercial production facility that converts sunlight into electricity, via photovoltaics or various other solar technologies on typically ground-mounted systems, for the purpose of wholesale or retail sale of generated electricity to a utility company and off-site customers.
[Added 12-12-2017 by Ord. No. 17-16]~~

§ 18:1-9 Zoning districts enumerated

~~Y. Utility Scale Solar Array Overlay (USSA) District. [Repeal entirely]
[Added 12-12-2017 by Ord. No. 17-15]~~

~~§ 18:1-38.1 Utility Scale Solar Array (USSA) District. [Repeal entirely]
[Added 12-12-2017 by Ord. No. 17-16]~~

§ 18:1-95 Additional standards for specified conditional uses.

~~S. Solar arrays. [Repeal entirely]
[Added 12-13-2011 by Ord. No. 11-07; amended 1-23-2018 by Ord. No. 17-17]~~