

**ST. MARY'S COUNTY GOVERNMENT**  
**Department of Land Use and**  
**Growth Management**



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To: Commissioners of St. Mary's County  
Dr. Rebecca Bridgett, County Administrator

From: William B. Hunt, Director 

Date: March 9, 2021

**Public Hearing Staff Report**

Public Hearing: One-year Moratorium on Utility-Scale Solar Projects

Date of Public Hearing: February 23, 2021

Time of Public Hearing: 9:05 am to  
9:25 am (approximately)

Summary of Public Hearing: A public hearing was held by the Commissioners of St. Mary's County on February 23, 2021, beginning at 9:05 am to obtain public comment on a proposed ordinance for a Temporary Moratorium on Utility-Scale Solar Projects for a Period of One Year Pending Consideration and Adoption of Such Legislation as the Commissioners Of St. Mary's County May Consider Advisable to Promote Public Health, Safety, and Welfare. The proposed moratorium will allow the Chesapeake Conservancy, currently under contract, to finish its solar siting report for the Solar Task Force and to allow recommendations from that report to be incorporated into a solar siting ordinance for St. Mary's County. The report will identify legally and technically feasible solar sites, screening out areas where zoning, economic, or environmental factors preclude solar energy development. The report will identify preferred locations for ground-mounted solar projects which can include degraded or contaminated sites, County-owned properties, and rural lands that are not on prime agricultural soils. Sites to avoid, which include ecologically sensitive lands such as forests and wetlands, and properties that might not be compatible with the Navy mission, will also be identified.

Comments Received: One letter in support of the ordinance was received before the public hearing. This letter of support, dated February 23, 2021, was from the St. Mary's County Farm Bureau Board of Directors, signed by James K. Raley, Jr. The letter is attached.

Benjamin Hance, Chair, Southern Maryland Sierra Club, phoned in to the public hearing to speak against the ordinance. Reasons for opposing the ordinance include:

- There is no precedent of a similar moratorium when ordinances for construction or development were being reviewed, created, or amended. There have not been any bans on housing developments or car dealerships during an ordinance review.

- The moratorium is unnecessary since the County has an approval process that a utility-scale solar farm would have to go through. The process includes review by the Board of Appeals and Planning Commission.
- The PSC can overrule this moratorium which would make it useless.
- The moratorium infringes on the property rights of landowners. The moratorium denies farmers the option of leasing property for a utility-scale solar farm. There is no danger to health, safety, or welfare and the permitting process is intact; therefore, farmers should not be denied the opportunity to use their land productively. The moratorium creates an economic hardship; some farmers might need the additional income from leasing their land in order to maintain ownership of the farm.
- Electricity from renewable energy is less expensive than electricity from fossil fuels. Solar energy will lower the electricity costs for everyone.
- Solar energy helps diversify the economy. Solar energy provides well-paying jobs for electricians and technicians.
- The moratorium sends the wrong message about the County. The moratorium on oyster farms and clean energy can be seen as being against sources of income that are environmentally friendly. In contrast, there have not been moratoriums against commercial developments or subdivisions that break up woodlands and farms.
- Residential subdivisions carve up fields whereas solar farms keep fields intact.
- Solar will help create a healthy, clean, and sustainable community to pass on to children and grandchildren.
- The Commissioners should not be dragging their feet on clean energy.

Mr. Hance sent a letter of supplemental comments to the Commissioners through email dated March 1, 2021, which is included. The reason for the supplemental comments was to address “misleading statements about solar and military bases.” Mr. Hance felt that comments implied that without the moratorium jobs at NAS Pax River could be endangered. Mr. Hance wrote that the solar review process ensures that the concerns of the Navy are taken into consideration and referenced the recent solar project near the base that has been withdrawn. A moratorium is not needed to protect the base. Mr. Hance included the names of three naval bases that contain solar fields.

Response to Mr. Hance’s comments:

Phoned-in Comments: St. Mary’s County supports the development of solar energy, which is why the Commissioners created the Solar Task Force. Mr. Hance is correct when he observes that commercial and residential developments can be and have been built on agricultural properties and properties that have woodlands; the moratorium is not going to impact residential or commercial development.

The County, the Solar Task Force, and Mr. Hance are in agreement on many of the points raised by Mr. Hance. All support solar as a potential source of good paying jobs; a potential source of supplemental income for those farms that are identified in the siting study as suitable for solar; potentially helping reduce electricity costs; and as contributing to a clean, green, and sustainable community.

The limited purpose of the moratorium is to provide interim protection to properties that should not be used as sites for utility-scale solar projects. The solar siting study and the ordinance that follows it are going to identify sites that are not suitable for solar development. Some of the not-

suitable-for-solar sites that are identified might be on farms with prime agricultural soil. The Solar Task Force felt that the benefit to delaying all potential utility-scale solar projects so that sites to avoid could be identified and permanently protected by an ordinance outweighed the potential, temporary, economic loss to a farmer. Note that the Farm Bureau sent a letter supporting the moratorium.

Written comments on military and solar: The Solar Task Force will be asking the Navy to review the siting study and the ordinance. The benefit to imposing the moratorium in order to get the Navy input outweighs the potential that a farmer will not be able to lease property for a utility-scale solar farm before the study and ordinance are completed.

Recommendation: The solar siting study and subsequent ordinance are going to enable the County to proactively welcome the development of solar energy within the County. Solar developers will be able to refer to the solar siting study for detailed guidance on where to look for potential sites to develop and will also know where to avoid. The regulations pertaining to development will be in the ordinance which will let potential solar developers know what conditions have to be met; this will provide certainty. The purpose for the Solar Task Force and the work it is doing is to put St. Mary's County in the vanguard of counties ready for Solar Development. Staff expects that the siting study is going to be beneficial in attracting solar developers because of the certainty it will bring with it, as well as the ordinance that takes into consideration the findings of the siting study.

Staff recommends adoption of the ordinance for the one-year moratorium.