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William B. Hunt, AICP, Director

September 13, 2022

To: Commissioners of St. Mary's County  
David Weiskopf, Interim County Administrator

From: William B. Hunt, Director *WBH*

Subject: Request to hold a public hearing on October 4, 2022, at 9:30 am to consider an amendment to the St. Mary's County Comprehensive Zoning Ordinance for Solar, Major projects in the RPD on properties having prime agricultural soils, farmland of statewide importance soils, or other environmentally sensitive areas

Background: The Commissioners of St. Mary's County held a public hearing on February 15, 2022, to consider a text amendment to the Comprehensive Zoning Ordinance to add the new uses of Solar, Major, § 50.4.97.a. and Solar, Minor §50.4.98.a.; the standards for developing these uses in §51.3.97.a. for Solar, Major, and §51.3.98.a. for Solar, Minor; modifying the definition for Prime Agricultural Soil; adding the definition for Farmland of Statewide Importance; and adding definitions needed to define the new terms relating to the solar uses included in the ordinance. The CSMC adopted the ordinance at its meeting of March 1, 2022.

Stakeholders with an interest in the Solar Ordinance were notified in advance of the public hearing. Stakeholders provided recommendations for changing the proposed ordinance at the public hearing and during the open records period. The oral and written comments received were summarized in a chart that was provided to the CSMC in advance of the meeting at which the decision on the amendment was made. This chart is included in BoardDocs for this request for public hearing. The significant change made to the proposed ordinance based on the public comments was to not allow freestanding solar panels to be constructed on prime agricultural soils and farmland of statewide importance soils.

Prime farmland, as defined by the U.S. Department of Agriculture, is land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops. It could be cultivated land, pastureland, forestland, or other land, but it is not urban or built-up land or water areas. In general, prime farmland has an adequate and dependable supply of moisture from precipitation or irrigation, a favorable temperature and growing season, acceptable acidity or alkalinity, an acceptable salt and sodium content, and few or no rocks. The water supply is dependable and of adequate quality. Prime farmland is permeable to water and air. It is not excessively erodible or saturated with water for long periods, and it either is not frequently flooded during the growing season or is protected from flooding. Slope ranges mainly from 0 to 6 percent.

Generally, farmland of statewide importance includes areas of soils that nearly meet the requirements for prime farmland and that economically produce high yields of crops when treated and managed according to acceptable farming methods. Some areas may produce as high a yield as prime farmland if conditions are favorable. Land that does not meet the criteria for prime farmland is considered to be farmland of statewide importance for the production of food, feed, fiber, forage, and oilseed crops.

GIS mapping was done prior to adoption of the Solar Ordinance to show the location of prime agricultural soils and farmland of statewide importance soils. Looking at the County as a whole, it appeared that these soils could be avoided when developing a Solar, Major project. It was thought that the developer of a Solar, Major project could install freestanding solar panels on nonprotected soils, avoid installing freestanding solar panels on the areas of protected soils, and be able to have enough solar panels for a viable project. Staff has since learned that the freestanding solar panels have to be uniformly spaced throughout the project area and not have any gaps.

The proposed text amendment will allow a Solar, Major project on a site in the RPD that has prime agricultural soils, farmland of statewide importance soils, or other environmentally sensitive areas when Conditional Use approval is given by the Board of Appeals.

Notice to Stakeholders: Notice of the public hearing and a copy of the proposed text amendment will be sent to the stakeholders who expressed an interest in the Solar Ordinance.

Timeline:

Request for Public Hearing – September 13  
First Ad in Southern Maryland News – September 16  
Second Ad in Southern Maryland News – September 23  
Public Hearing – October 4, at 9:30 am  
Public Records Closes – October 11  
Decision – October 18