

# AELC Ag. and Envl. Law Conference

Going Solar:

The Roles of the Local and State Governments

*Post- Board of County Commissioners of Washington County v.  
Perennial Solar, LLC*

# Sondra's comments and materials

...Are her own and reflect her own personal experience and opinions.

They do not represent the views of the State, the Office of the Attorney General, MEA or DNR-PPRP.

# RPS and Utility Scale Solar

*Maryland's Renewable Energy Portfolio Standard (RPS)* – requires Maryland electric utilities and retail suppliers to obtain renewable energy credits (RECs) equivalent to a percentage of their retail sales

14.5 % percent solar carve out by 2030.

*How much land are we talking about?*

*What about rooftop solar and “brownfields”?*

*Initiatives to Focus on Relevant Issues and Questions*



# Utility Scale Solar in Maryland and the RPS

- Environmental and consumer benefits associated with renewable energy
- The State's RPS Program is “to recognize and develop the benefits associated with a diverse collection of renewable energy supplies. does this by recognizing the environmental and consumer benefits associated with renewable energy.
- Solar Carve-Out – “To promote a diversified resource mix and encourage deployment of certain technologies.  
(<http://www.ncsl.org/research/energy/states-renewable-energy-ambitions.aspx>)
- Interim RPS Report – Dec. 2018  
[http://dlslibrary.state.md.us/publications/Exec/DNR/PU7-714\(e\)\(1\)\(i\)\\_2018.pdf](http://dlslibrary.state.md.us/publications/Exec/DNR/PU7-714(e)(1)(i)_2018.pdf)
- Final RPS Report – Dec. 2019

## “Back of the Envelope” Estimate if 100% of the Solar Carve Out is from Land-Based Solar

54,500,000	Energy (MWH) used in state in 2030
14.50%	Solar carve out
7,902,500	Solar energy (MWH) required
1,146,840	Energy (MWH) from existing solar
6,755,660	Energy (MWH) required from new solar
100.00%	Ground mounted percentage (assumed)
6,755,660	Energy (MWH) from ground mounted solar
1,431	Energy to power (MWH-ac/MW-dc) conversion ratio for new solar (assumed)
4,721	Capacity (MW) required from new ground mounted solar
8	Acres per MW
37,767	Acres of panels required for new land based solar

## “Back of the Envelope” **Estimate** if 60% of the Solar Carve is Needed from Land-Based Solar

54,500,000 ENERGY (MWH) USED IN STATE IN 2030

14.50% Solar Carve-out

7,902,500 Solar energy (MWH) required

1,146,840 Energy (MWH) from existing solar-estimate

6,755,660 Energy (MWH) required from new solar

60.00% Ground mounted percentage (assumed)

4,053,396 Energy (MWH) from ground mounted solar

1,431 Energy to power (MWH-ac/MW-dc) conversion ratio for new solar (assumed)

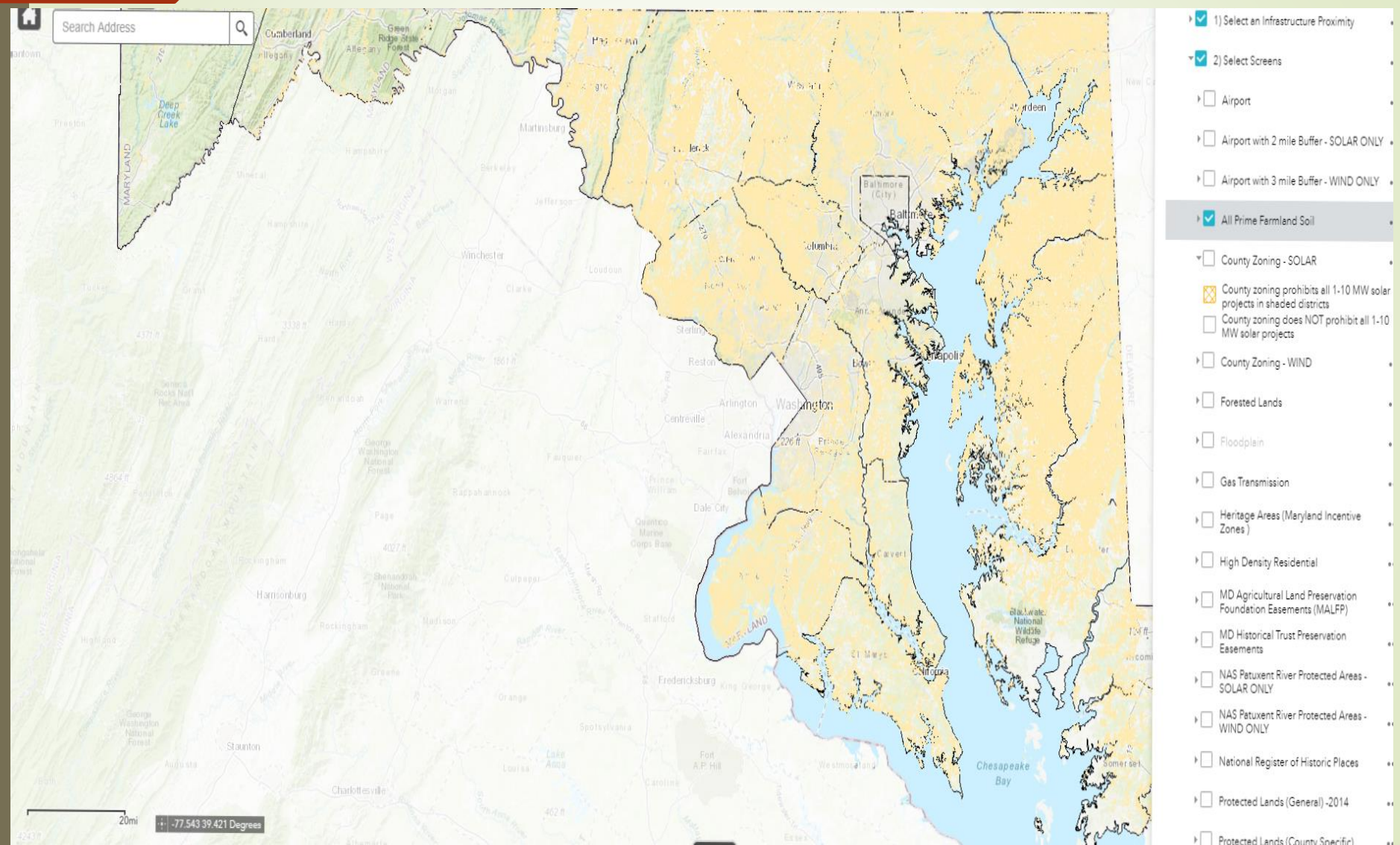
2,833 Capacity (MW) required from new ground mounted solar

8 Acres per MW

22,660 Acres of panels required for new land based solar



# SmartDG+ -- PPRP Online Tool – Prime Farmland



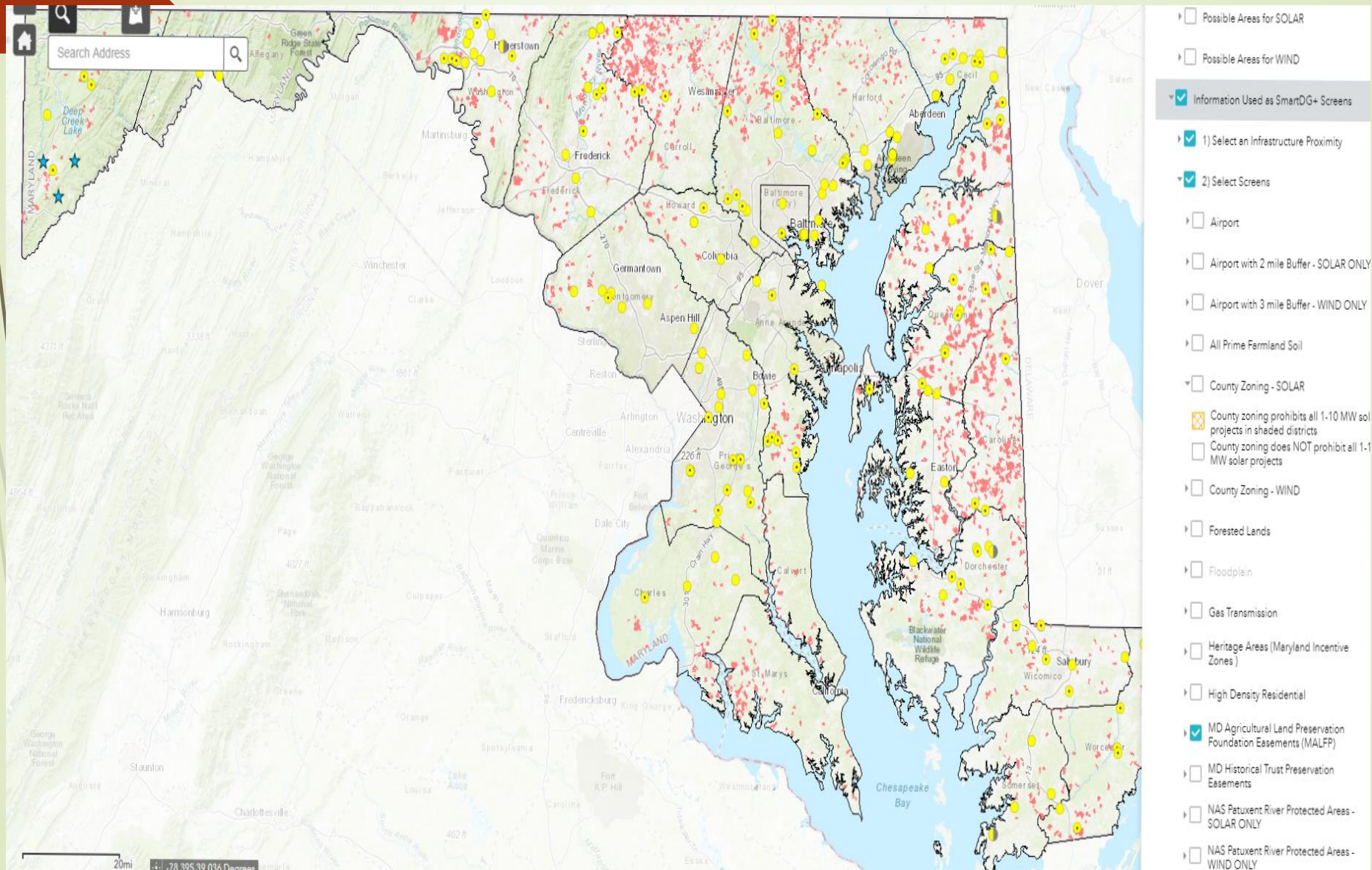


# SmartDG+ PPRP Online Tool – Prime Farm. – Up close



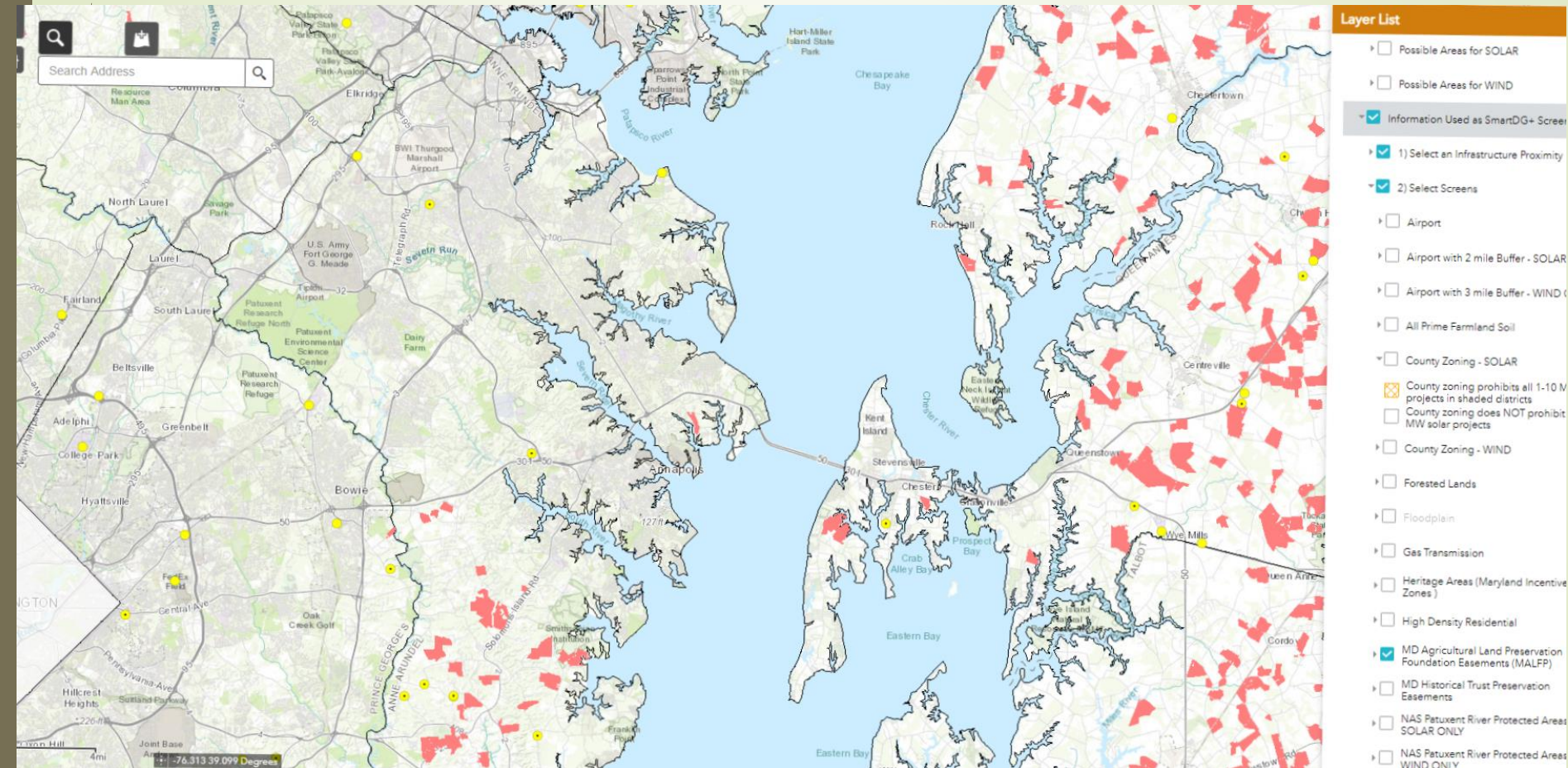


# SmartDG+ -- PPRP Online Tool – MALPF



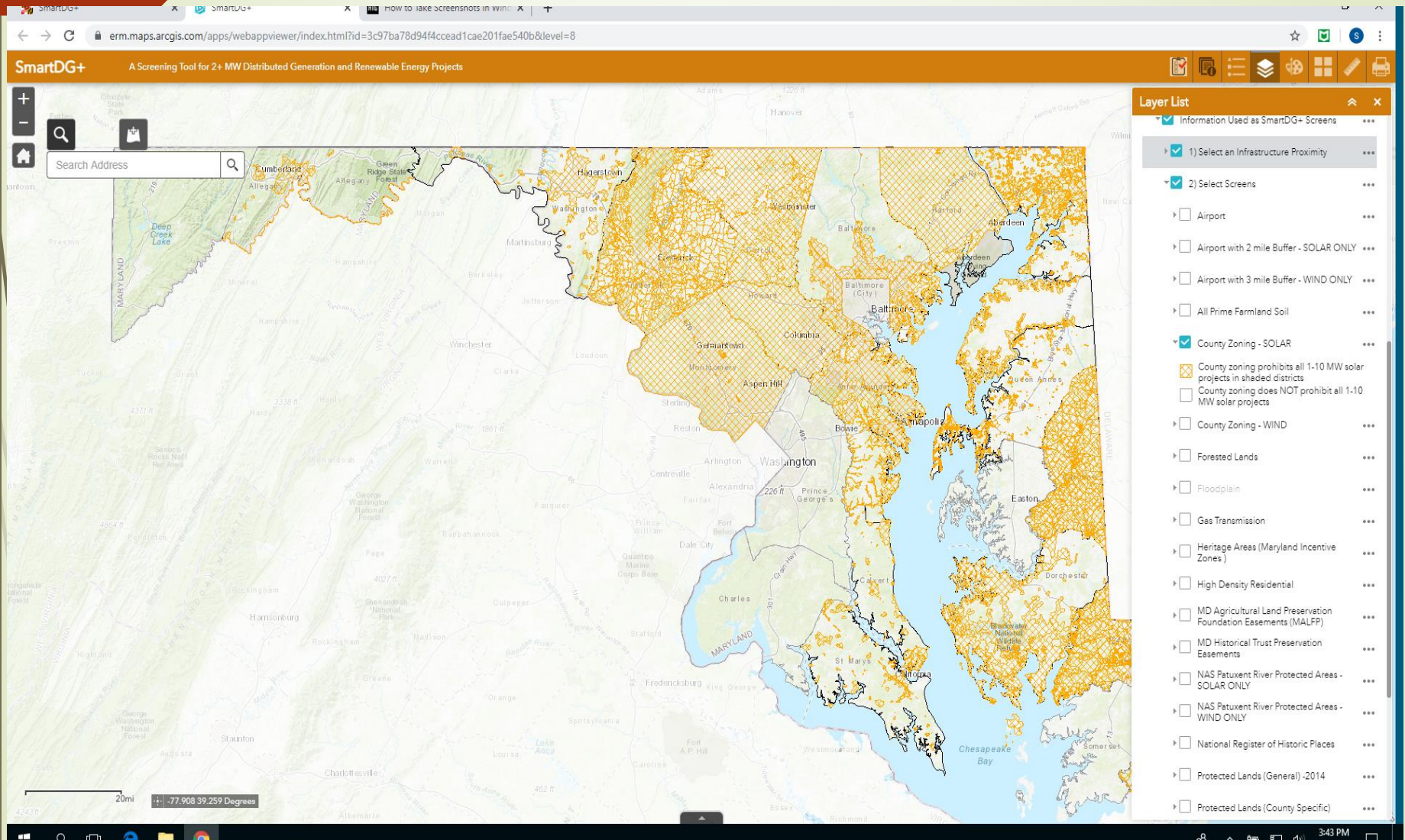


# SmartDG+ -- PPRP Online Tool – MALPF – Close up



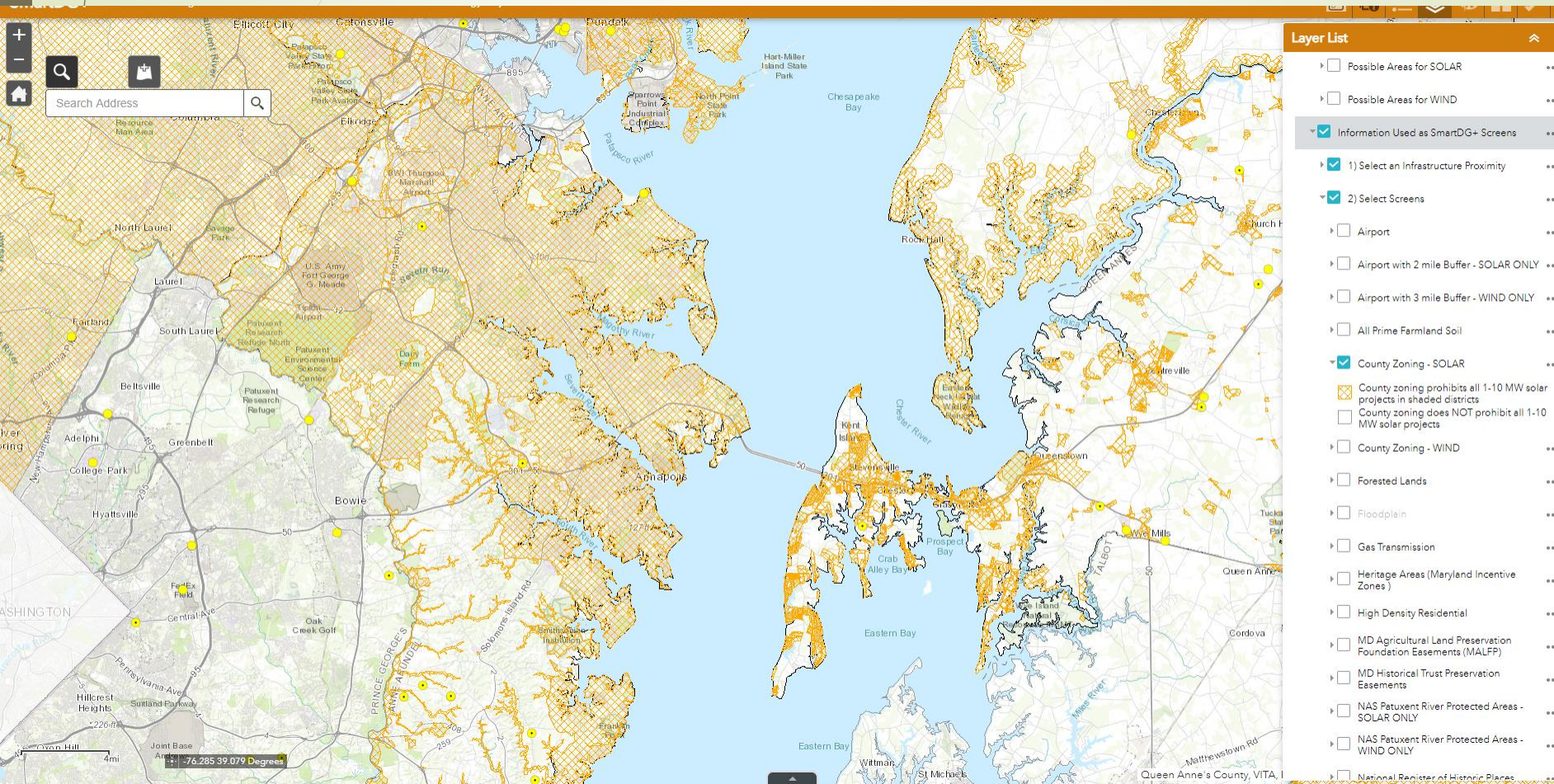


# SmartDG+ -- PPRP Online Tool – Zoning prohibitions



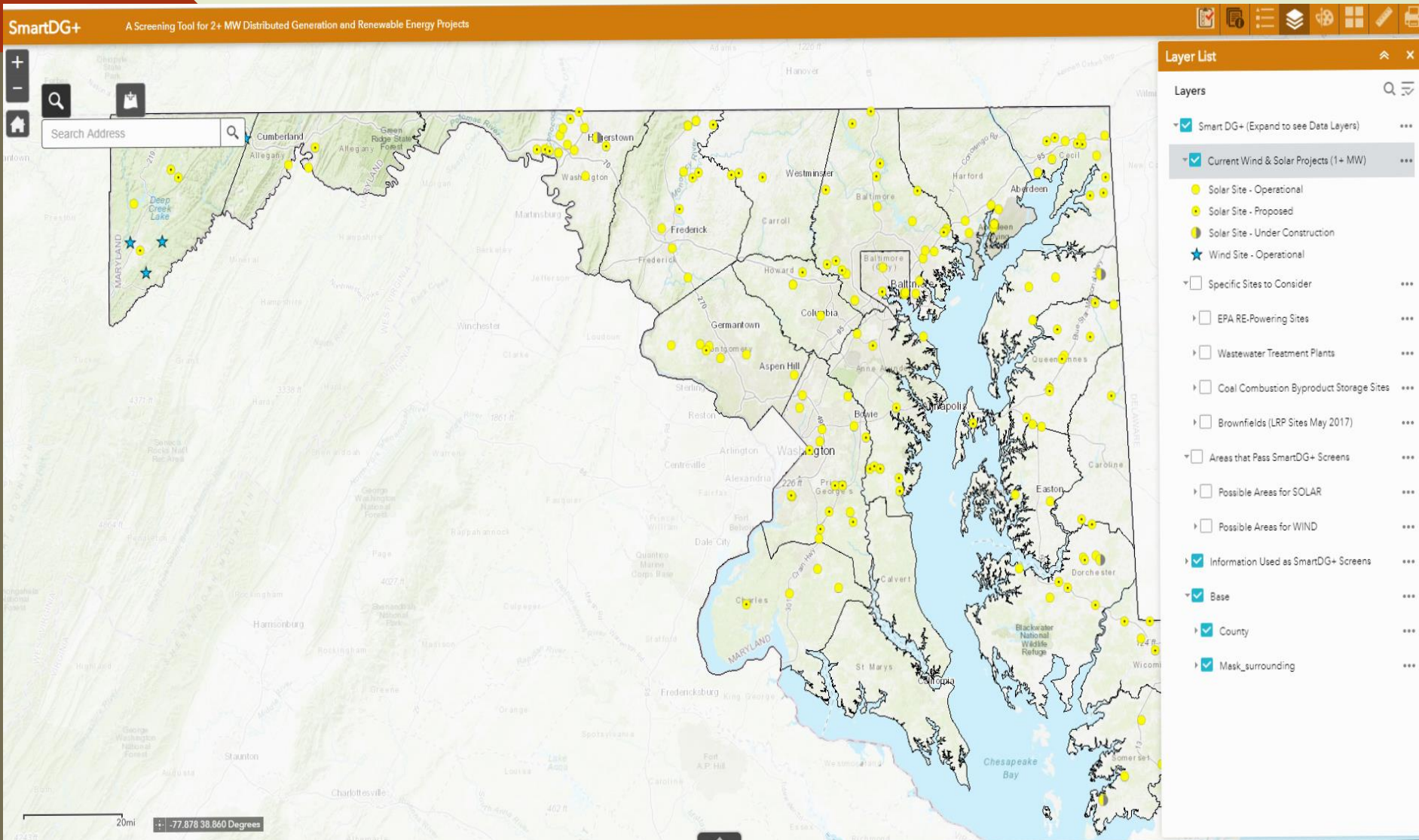


# SmartDG+ -- PPRP Online Tool -- Zoning -- Close up



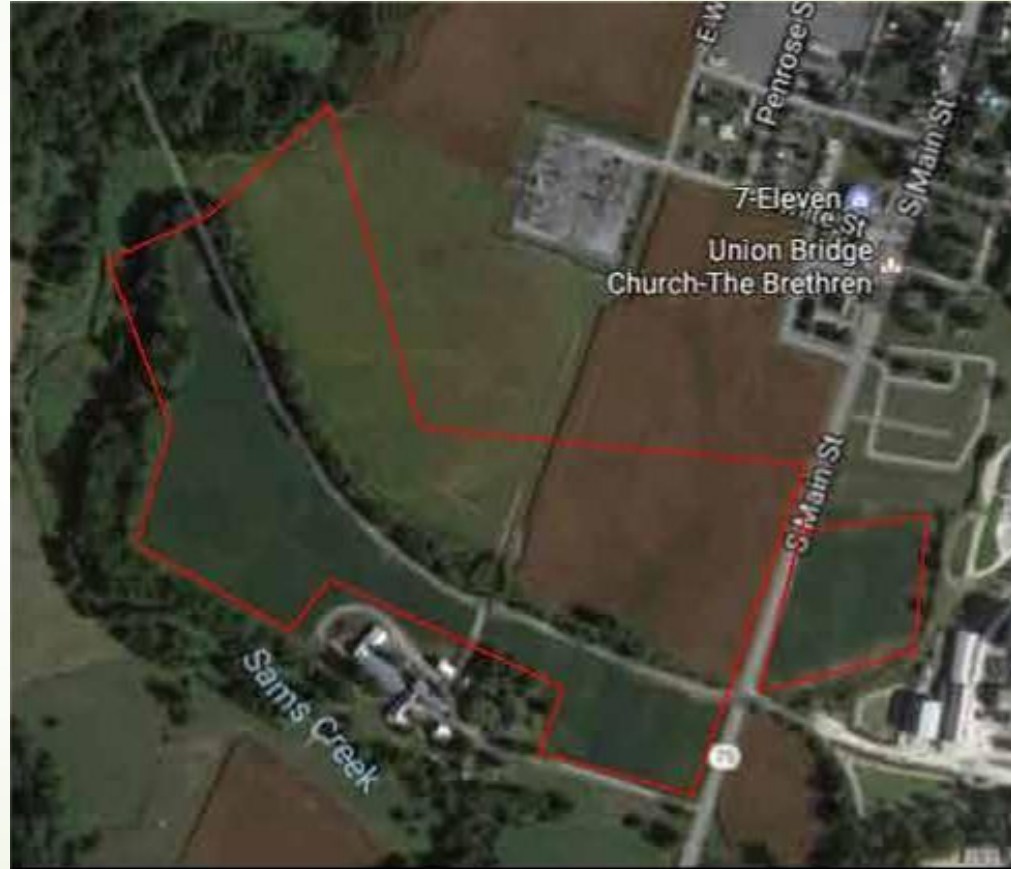


# SmartDG+ -- PPRP Online Tool --Projects in MD



# Union Bridge Solar - 9483

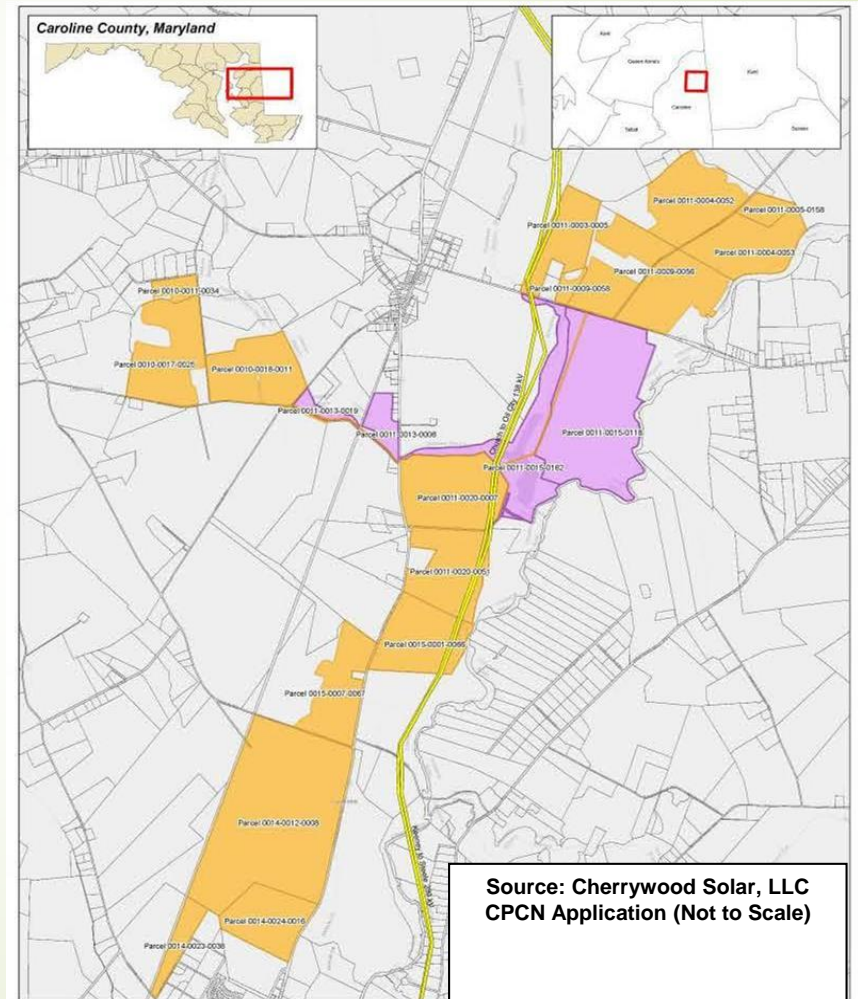
- 8.2 MW Solar PV proposed by Citizens Union Bridge on 48 acres of industrial land in Carroll County
- Approximately 24,375 panels of fixed-tilt design
- Pollinator Habitat





# Cherrywood Solar - 9477

- 202 MW Solar PV proposed by Open Road Renewables on 1,085 acres of agricultural land
- 499,806 panels of single-axis tracking design
- Largest solar project proposed in Maryland to date
- Entire Project area zoned Rural (R1) and current land use is agricultural
- Project area includes portions designated as Prime Farmland
- Filed 23 January 2018
- Final Order 16 April 2019



# Utility Scale Solar Projects

➤ MD Solar Farm	Washington Co.	20 MW	10.11.11
➤ Church Hill Solar	Queen Anne's Co.	6 MW	6.24.13
➤ 2014 : 2 granted			
➤ Cambridge Solar	Dorchester Co.	3.3 MW	9.5.14
➤ Rockfish Solar	Charles Co.	10 MW	9.16.14
➤ 2015: 5 granted			
➤ Constellation Solar	Harford Co.	20 MW	4.16.15
➤ LS-Egret Solar	Wicomico Co.	15 MW	5.28.15
➤ O.E. Dorchester	Dorchester Co.	15.5 MW	6.9.15
➤ Wye Mills Solar	Queen Anne's Co.	10 MW	6.15.15
➤ *Great Bay Solar	Somerset Co.	150 MW	12.15.15



## Utility Scale Solar Projects (con.)

2016    9 granted

➤ Sunfish Solar	Queen Anne's	6.0 MW	1.22.16
➤ Heron Solar	Worcester Co	20 MW	4.25.16
➤ Seabeach Solar	Worcester Co	15 MW	5.2.16
➤ Baker Point Solar	Frederick Co.	9 MW	7.6.16
➤ Dan's Mtn. Solar	Washington Co.	18.36 MW	7.11.16
➤ Todd Solar	Dorchester Co.	20 MW	7.28.16
➤ *Blue Star Solar	Kent Co.	6 MW	10.21.16
➤ *Ibis Solar	Somerset Co.	6 MW	10.21.16
➤ Gateway Solar	Worcester Co.	12 MW	12.15.16

## Utility Scale Solar Projects (con.)

2017 - 4 granted, 1 denied

➤ Pinesburg	Washington Co.	8 MW	3.3.17
➤ Mason-Dixon	Washington Co.	18.4 MW	3.3.17
➤ *Mills Branch	Kent Co.	60 MW	9.10.17
➤ Big Spring Solar	Washington Co.	3.5 MW	10.31.17
➤ Phoenix Solar	Prince George's Co.	2.5 MW	11.9.17

# Utility Scale Solar Projects (con.)

2018 8 granted

➤ Brick Kiln Rd	Wicomico Co.	5.4 MW	2.6.18
➤ *LeGore Bridge Solar	Frederick Co.	20 MW	3.23.18
➤ Chesapeake Solar	Cecil Co.	9 MW	4.6.18
➤ Jones Farm	Queen Anne's	56.7 MW	4.17.18
➤ Egypt Rd	Cambridge	45.9 MW	4.27.18
➤ MD Solar 2	Charles Co.	27.5 MW	9.21.18
➤ MD Solar 1	Charles Co.	32.5 MW	9.21.18
➤ Massey Solar	Kent Co.	5 MW	12.31.18

# Utility Scale Solar Projects (con.)

2019

➤ Richfield Solar	Dorchester Co.	50 MW	3.19.19
➤ Cherrywood	Caroline Co.	202 MW	4.16.19
➤ Bluegrass	Queen Anne's	80 MW	
➤ Kieffer Funk	Washington	11.8 MW	





# CPCN Process

- Application (More than 2 MW)
- Testimony and Discovery
  - Including PPRP review and NR 3-306 recommendation from reviewing State agencies.
- PPRP coordination with state agencies and local jurisdictions as part of its independent review
- Public Hearing where proposed project located
- Evidentiary Hearing
- Proposed Order (PULJ)
- Final Order (PSC)
- Appeal of Final Order
- Compliance with the CPCN and conditions

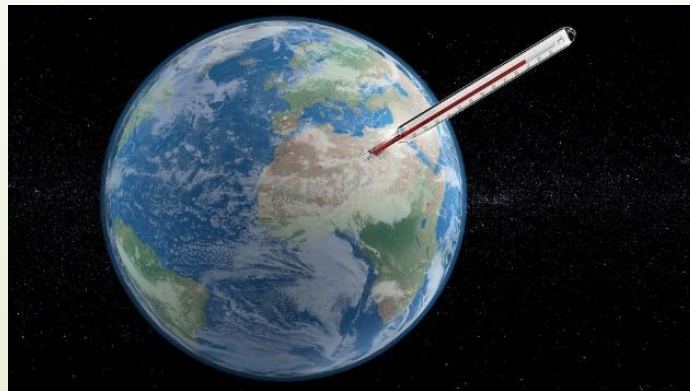


# PUA §207 (e) and PSC's “Due Consideration”

- Recommendation of the governing body where project is located (PUA 207(e)(1))
- Impact on stability and reliability of the electric system, economics, esthetics, historic sites, aviation, environment (air, water, solid waste) (PUA 207(e)(2))
- Consistency with the comprehensive plan and zoning and efforts to address concerns of the county or municipality (PUA 207(e)(3))

# Maryland's Renewable Energy and Climate Change Goals

- Renewable Energy Goal: Clean Energy Jobs Act of 2019 requires 50% renewable energy by 2030 with 14.5% solar “carve out”
- Clean Electricity Goal: Clean and Renewable Energy Standard (CARES) calls for 100% clean electricity by 2040
- Current Climate Change Goal: 25% greenhouse gas emission reductions from 2006 levels by 2025
- New Climate Change Goal: 40% greenhouse gas emission reductions from 2006 levels by 2030 with “aspirational goal” of 80% by 2050



# MACo Position on Solar Energy Siting

- Maryland Association of Counties (MACo) supports solar energy development with local zoning and siting requirements as part of the project approval process
- MACo recognizes that there needs to be a mix of rooftop, community, commercial, and utility-scale solar projects to meet Maryland's renewable energy goals
- Solar projects should be prioritized in following manner:
  - Rooftop and Commercial solar
  - Community & Utility-scale projects on brownfields, grayfields (parking lots and rooftops), industrial areas, and appropriate government-owned lands (such as landfills and wastewater treatment plants)
  - Community & Utility-scale projects on open space zoned for solar by local governments with appropriate protections for prime farmland, forestlands, critical areas and wetlands, environmentally sensitive areas, and areas of cultural or historical importance



# The *Perennial* Decision

- In *Board of County Commissioners of Washington County, Maryland v. Perennial Solar, LLC* (July 15, 2019), the Maryland Court of Appeals held that the PSC had implied preemption over local zoning and land use requirements regarding the siting of solar or other energy generation facilities
- Case outcome is unfortunate from MACo's perspective but holding is narrow and does not eliminate important role of local zoning in the CPCN process
- Case does not change the CPCN or PSC decision-making process (PSC traditionally given great deference to local concerns)
- Case does not change the scope of the CPCN or PSC (limited to utility-scale solar and other energy generation facilities requiring a CPCN)
- "Due consideration" requirements of §207(e) of Public Utilities Article still apply

# Role of Local Zoning

- Section 207(e) of Public Utilities Article requires PSC to give “due consideration” to:
  - Position of a local government on a proposed energy generation project within their jurisdiction
  - Consistency of a proposed energy generation project with the local government’s comprehensive plan and zoning
  - Any actions taken to address concerns raised by the local government over the proposed energy generation project
- Consistency and mitigating actions requirements added to law by HB 1350 of 2017 (a MACo legislative initiative)





# Role of Local Zoning

- Local governments can and should enact zoning for utility-scale solar projects
- Different counties taken different approaches to zoning (overlay zones, special exception requirements, total or individual project caps)
- Zoning can limit or prohibit utility-scale solar development on lands with other important uses, including prime farmland, forestlands, or historical sites or viewsheds (have a rationale)
- Zoning should provide for “viable” sites for utility-scale solar development (proximity to high voltage transmission lines, good solar production)
- “Good faith” zoning efforts will carry great weight with PSC
- Outright or de facto bans on utility-scale solar could invite preemption
- Energy developers should reach out to affected local governments as early as possible – ignore local zoning at your peril

# County Role in CPCN Process

## ➤ Consistent with PUA Section 7-207 (e)

- Joint public hearing with the PSC and local jurisdiction
- PSC consideration of:
  - Local jurisdiction's recommendation
  - Consistency with Comprehensive Plan and zoning
  - Efforts to resolve any issues presented by the county/municipal

## ➤ As a party in the PSC docket (Intervention in the Case)

(e.g., Mills Branch Solar (Kent), Morgnec Road Solar (Kent), LeGore Bridge (Frederick), Biggs Ford (Frederick), Dan's Mountain Wind (Washington), Union Bridge Solar (Town of), Casper Solar (Queen Anne's), Dan's Mtn Wind,

## ➤ Comments to PSC (Administrative Meetings)

- Compliance with CPCN conditions (e.g., Great Bay Solar (Caroline))



# Biggs Ford Solar – 9439

See <https://dnr.maryland.gov/pprp>

- 15 MW Solar PV proposed by Coronal Energy on 135 acres of agricultural land in Frederick County
- 61,000 panels of single-axis tracking
- Proposed project conflicts with County Solar Bill (17-07) and Comp. Plan due to Priority Preservation Areas, prime farmland, and site limitations
- Developer applied for Floating Zone reclassification from Frederick County to allow for solar project at the proposed site; County denied
- Ongoing





# Great Bay Solar - 9380

See <https://dnr.maryland.gov/pprp>

- 150 MW solar project in Somerset County, received CPCN in 2015 under PSC Order 87690
- 75 MW (Great Bay Solar I) has been constructed on several parcels of land near Princess Anne
- Great Bay Solar II now proposed for construction; Applicant is requesting an extension of the original 3-year deadline in the CPCN to start construction (expired in December 2018)
- Phase I encountered issues with construction methods, water management, and vegetative buffer
- PPRP and State agencies are recommending updated and amended conditions to prevent recurrence of issues in Phase II construction

# Perennial Solar Timeline

## CPCN (PSC Case No. 9408)

## County and Appeal

CPCN Application  
12/01/2015

Application for Special Exception  
and Variance  
09/2015

Perennial Direct Testimony  
01/26/2016

Granted by County

CPCN Case suspended/  
abeyance  
03/16/2016

Decision of Cir. Court

Decision Ct. of Special Appeals

Proposed Revised Schedule  
09/03/2019

Decision of Ct. of Appeals  
07/15/19

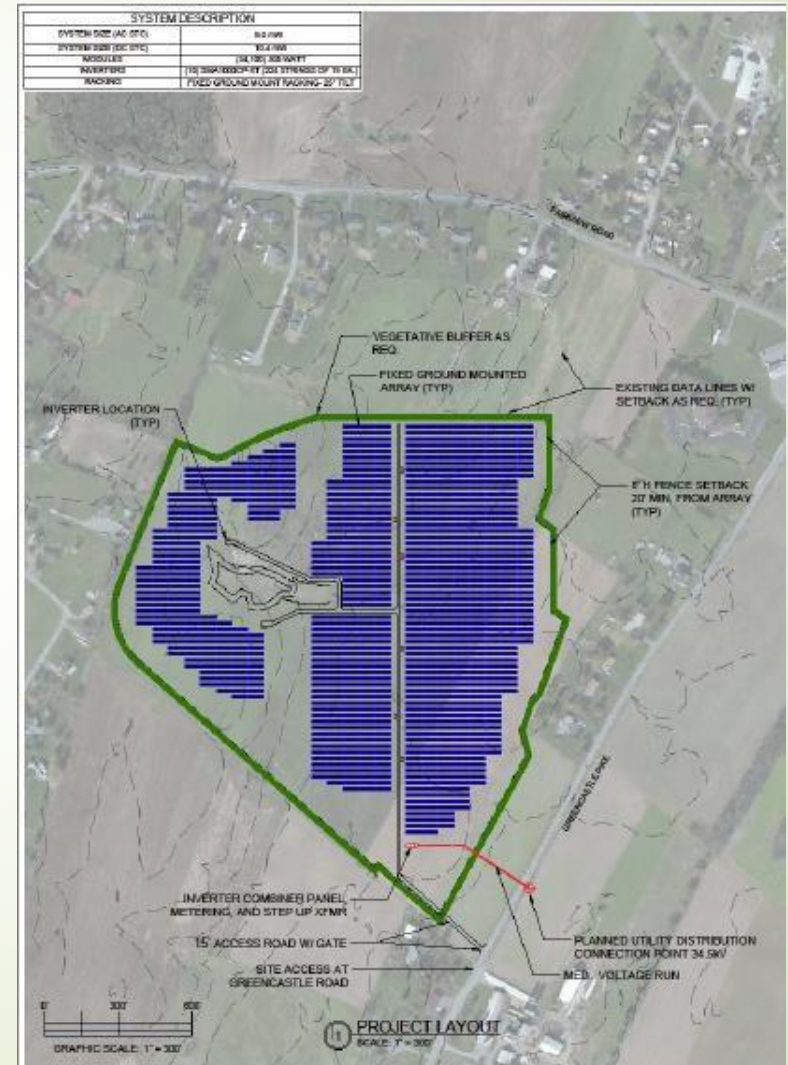
Supplemental Testimony  
10/16/2019

**Currently ongoing**

# Perennial Solar - 9408

**See <https://dnr.maryland.gov/pprp>**

- 8 MW Solar PV proposed by Community Energy on 70 acres of agricultural land in Washington County
- 34,000 PV modules of fixed-tilt design
- Prime Farmland and Farmland of Statewide Importance
- The case is currently being held in abeyance, as of 11 March 2019, pending judicial appeal process



# Perennial Solar – COA Decision (07/19)

- Upheld previous case law as to PSC preemption authority and clarified its application to utility scale solar.
- A specific county decision opposing a project was not at issue in this case. The County had granted the special exception for the Perennial project.
- Summarized PUA Section 7-207(e) and recently passed PUA Section 7-207(e)(3)
- Referenced Maryland's renewable portfolio standards and solar carve-out.



# Relevant Commission Decisions re: the Role of Counties in the CPCN Process

## ➤ **Urbana Loop** (transmission)

PSC Case No. 9018

Proposed Order 04/26/2006

Final Order 08/03/2006

## ➤ **Blue Star Solar and Ibis Solar**

PSC Case Nos. 9387 and 9392

Proposed Order 04/06/2016

Final Order 10/21/2016

## ➤ **Mill's Branch Solar**

PSC Case No. 9400

Proposed Order 04/26/2006

Final Order 08/03/2006

## ➤ **Dan's Mountain Wind**

PSC Case No. 9413

Proposed Order 01/25/2017

Final Order 06/16/2017

## ➤ **Legore Bridge Solar**

PSC Case No. 9429

Proposed Order 10/03/2017

Final Order 03/23/2018

*Currently on appeal by Frederick County*

## ➤ **Biggs Ford Solar** (remanded)

PSC Case No. 9439

Proposed Order 12/05/2017

Final Order 04/16/2018

*Currently Before PULJ Division*



# Other Solar CPCN Applications

- Union Bridge Solar - Carroll
- Biggs Ford Solar - Frederick
- Spectrum Solar – Prince George's
- Perennial Solar – Washington
- Lightsource Solar – St. Margaret's
- Casper Solar – Queen Anne's Co.(withdrawn)
- Morgnec Road (Initial Project withdrawn) – Kent Co.
- Mattawoman Solar – Prince George's Co. (Suspended)



# Examples of Siting Issues Arising in CPCN Process

- Mills Branch Solar – PSC Case No. 9411  
*CPCN Denied*
- Casper Solar – PSC Case No. 9450  
*Withdrawn*
- Mattawoman Solar – PSC Case No. 9469  
*Procedural Schedule Suspended*

# Casper Solar – 9450

See <https://dnr.maryland.gov/pprp>

- 36.7 MW Solar PV proposed by Coronal Energy on 360 acres of agricultural land in Queen Anne's County
- 150,000 panels of single-axis tracking design
- Filed April 2017. Procedural schedule is currently suspended
- Voluntary compliance with FCA administered through County ordinance
- Site is within a Priority Preservation Area
- The Procedural Schedule has been suspended since October 2018
- Withdrew application





# Bluegrass Solar - 9496

See <https://dnr.maryland.gov/pprp>

- 80 MW Solar PV proposed by OneEnergy Renewables on 500 acres of agricultural land in Queen Anne's County
- 271,830 panels and horizontal tracking racking system
- Filed November 2018
- Portions considered Prime Farmland
- 70 acres of forest to be placed in conservation easement
- Additional plantings for vegetative buffer and to meet afforestation requirements planned



# PPRP's online tool – Smart DG

Link: <https://dnr.maryland.gov/pprp/Pages/smartdg.aspx>

## Infrastructure Proximity

- Electricity lines

## Renewable Resource Availability

- Viable wind speeds (wind only)
- Land Suitability:

## Protected areas

- Flood zones
- Land cover/land use
- Airports
- DOD no-go zones

## County zoning

### *The Lynchpin*

A **statewide** map of 1-to-4 mile wide corridors surrounding electrical distribution and transmission lines that appear strong enough to absorb projects greater than 2 MW.

*Viewers can choose additional screens such as:*

- ✓ County-level zoning (learn more)
- ✓ County-level protected areas
- ✓ NAS Patuxent River Protected Areas
- ✓ MALPF easements
- ✓ Forested lands



# Difficult Balancing Act

## Environmental and Development Constraints

- Environmental features (forest, streams, wetlands, Critical Area)
- Development constraints (capacity, interconnection location, contiguity, interconnection and improvement costs)

## State and Local Requirements and Preferences

- Zoning
- Private land use restrictions (conservation easements, community restrictions)
- Aesthetics & Mitigation
- Forest Conservation
- Taxation

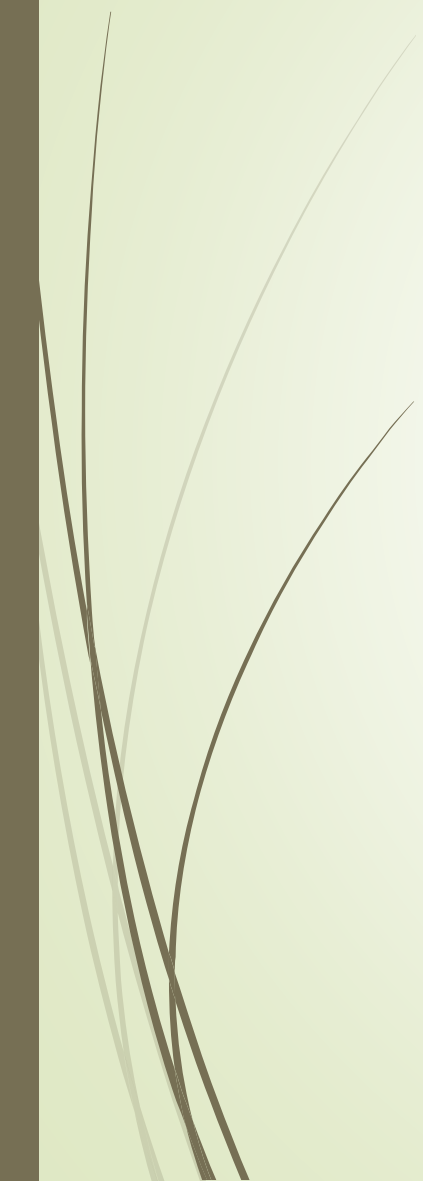
## Landowner Considerations


- Typically, multiple property owners
- Secure appropriate site on economically viable terms (sale or lease)
- Lengthy approval processes





# Location, Location, Location

- 
- Careful site selection is imperative for project success
  - Process schedule and complexity — Reduced by avoidance of additional permitting (forest clearing, wetland impacts, zoning revisions)
  - Project costs — Reduced by optimizing interconnection, minimizing need for mitigation (environmental and aesthetic)
  - Public support/opposition — “Out of sight, out of mind” Relatively little public interest or opposition if not visible.



# Local Government Coordination and Preemption

- *Perennial Solar* confirmed the application of State preemption to CPCNs for utility-scale solar.
- Narrow practical impact under the “due consideration” standard
- The potential for preemption should cause local governments to meaningfully engage, even on projects that do not enjoy local support
- CPCN Approval Condition – Prior to commencement of Project construction, certify to PSC and PPRP that facility was designed in “substantial conformity” to local zoning requirements and “has received site plan approval and all required local permits”
- Engagement with local government and direct, efficient communication is beneficial
- Meet early and often



# Local Government Review

## Zoning Approvals:

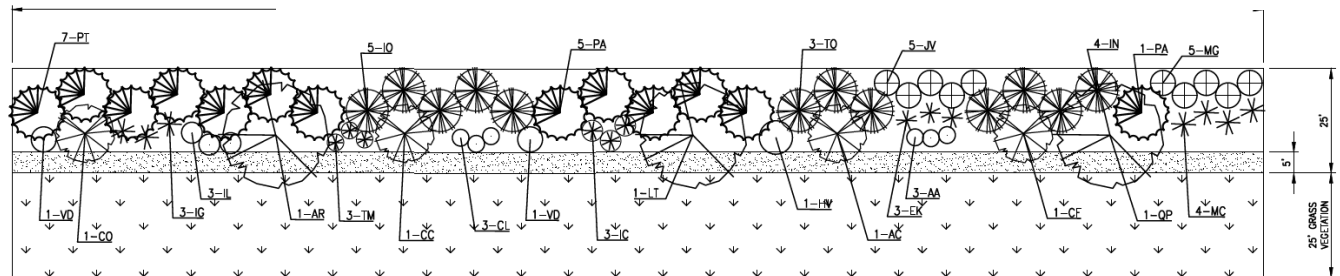
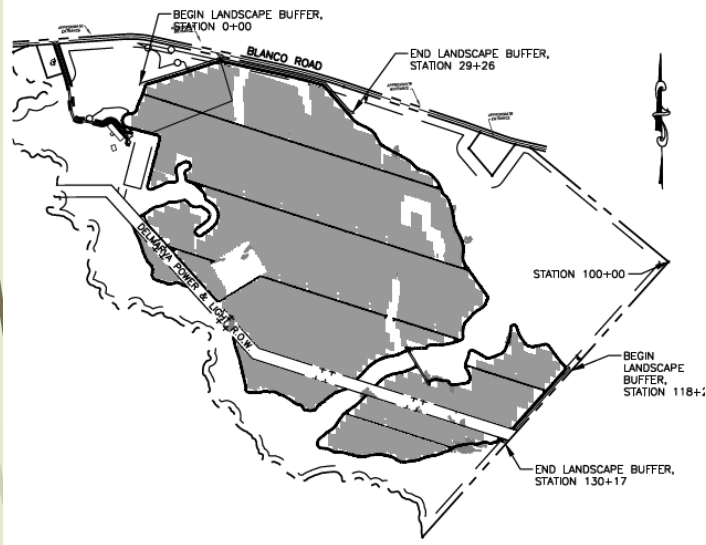
- Wide range of zoning approaches: Regulated as a “utility” use, Solar overlay district (2 miles of transmission), acreage caps
  - Permitted by Right
  - Special Exception/Conditional Use
- Variances

## Site Design:

- Site plan approval by the local Planning Commission
- Aesthetic and screening considerations often also considered in depth by the Board of Appeals



# Existing Forest = Minimal Buffer Cost



**TYPICAL LANDSCAPE BUFFER PLANTING PLAN (300' x 50')**  
NOT TO SCALE

## LANDSCAPE BUFFER PLANT SCHEDULE

SYMBOL	NATIVE	KEY	BOTANICAL NAME	COMMON NAME	SIZE	SPACING	QUANTITY
EVERGREEN TREES							
	✓	IN	ILEX x 'NELLIE R. STEVENS'	NELLIE R. STEVENS HOLLY	6'-7" Ht., B&B	10' OC	55
	✓	IO	ILEX opaca	AMERICAN HOLLY	6'-7" Ht., B&B	10' OC	65
	✓	JV	JUNIPERUS virginiana	EASTERN RED CEDAR	6'-7" Ht., B&B	6' OC	65
	✓	MG	MAGNOLIA grandiflora	SOUTHERN MAGNOLIA	6'-7" Ht., B&B	6' OC	70
	✓	PA	PICEA abies	NORWAY SPRUCE	6'-7" Ht., B&B	12' OC	79
	✓	PT	PINUS taeda	LOBLOLLY PINE	6'-7" Ht., B&B	12' OC	91
	✓	TO	THUJA occidentalis 'NIGRA'	DARK AMERICAN ARBORVITAE	6'-7" Ht., B&B	10' OC	39
TOTAL							464
DECIDUOUS SHADE TREES							
	✓	AR	ACER rubrum	RED MAPLE	2" Cal., B&B	AS SHOWN	13
	✓	LT	LIRIODENDRON tulipifera	TULIP TREE	2" Cal., B&B	AS SHOWN	13
	✓	QP	QUERCUS phellos	WILLOW OAK	2" Cal., B&B	AS SHOWN	14
TOTAL							40
UNDERSTORY DECIDUOUS TREES							
	✓	AC	AMELANCHIER canadensis	SERVICEBERRY	6'-7" Ht., B&B	8' OC	13
	✓	CC	CERCIS canadensis	EASTERN REDBUD	6'-7" Ht., B&B, Multi-stem	8' OC	13
	✓	CF	CORNUS florida	DOGWOOD TREE	6'-7" Ht., B&B	AS SHOWN	14
	✓	CO	CELTIS occidentalis	HACKBERRY TREE	6'-7" Ht., B&B	AS SHOWN	13
TOTAL							53
DECIDUOUS SHRUBS							
	✓	AA	ARONIA arbutifolia	RED CHOKEBERRY	24"-36", B&B	4' OC	39
	✓	CL	CALICARPA americana	AMERICAN BEAUTY BUSH	24"-36", B&B	4' OC	39
	✓	HV	HAMAMELIA virginiana	WITCH HAZEL	24"-36", B&B	AS SHOWN	13
	✓	IL	ILEX laevigata	SMOOTH WINTERBERRY	24"-36", B&B	AS SHOWN	39
	✓	VD	VIBURNUM dentatum	SOUTHERN ARROWWOOD	24"-36", B&B	AS SHOWN	26
TOTAL							156
EVERGREEN SHRUBS							
	✓	EK	EUONYMUS kiautschovicus 'MANHATTAN'	MANHATTAN EUONYMUS	24"-36" Ht., Cont.	5' OC	39
	✓	IC	ILEX crenata 'STEEDS'	STEEDS UPRIGHT HOLLY	24"-36" Ht., Cont.	5' OC	39
	✓	IG	ILEX glabra	INKBERRY	24"-36" Ht., Cont.	6' OC	43
	✓	MC	MORELLA cerifera	SOUTHERN BAYBERRY	24"-36" Ht., Cont.	6' OC	52
	✓	TM	TAXUS x media 'HICKSII'	HICK'S YEW	24"-36" Ht., Cont.	4' OC	39
TOTAL							212
WILDFLOWER/GRASSES							
	✓	PM	POLLINATOR "A" MIX	(SEE LIST, THIS SHEET)	DETERMINED BY POLLINATOR MIX MANUFACTURER'S RECOMMENDATIONS		5 LBS/ACRE (0.45 ACRES)

**PHOTO SIMULATION : VIEW NORTH FROM POND TOWN RD.  
EXISTING CONDITIONS**

LOCATION:



**Westwood**

Phone (410) 351-8100  
Fax (410) 351-8100  
Cell (410) 351-8100  
www.westwood.com  
Westwood Technical Services, Inc.  
30-00-70 1071116.00

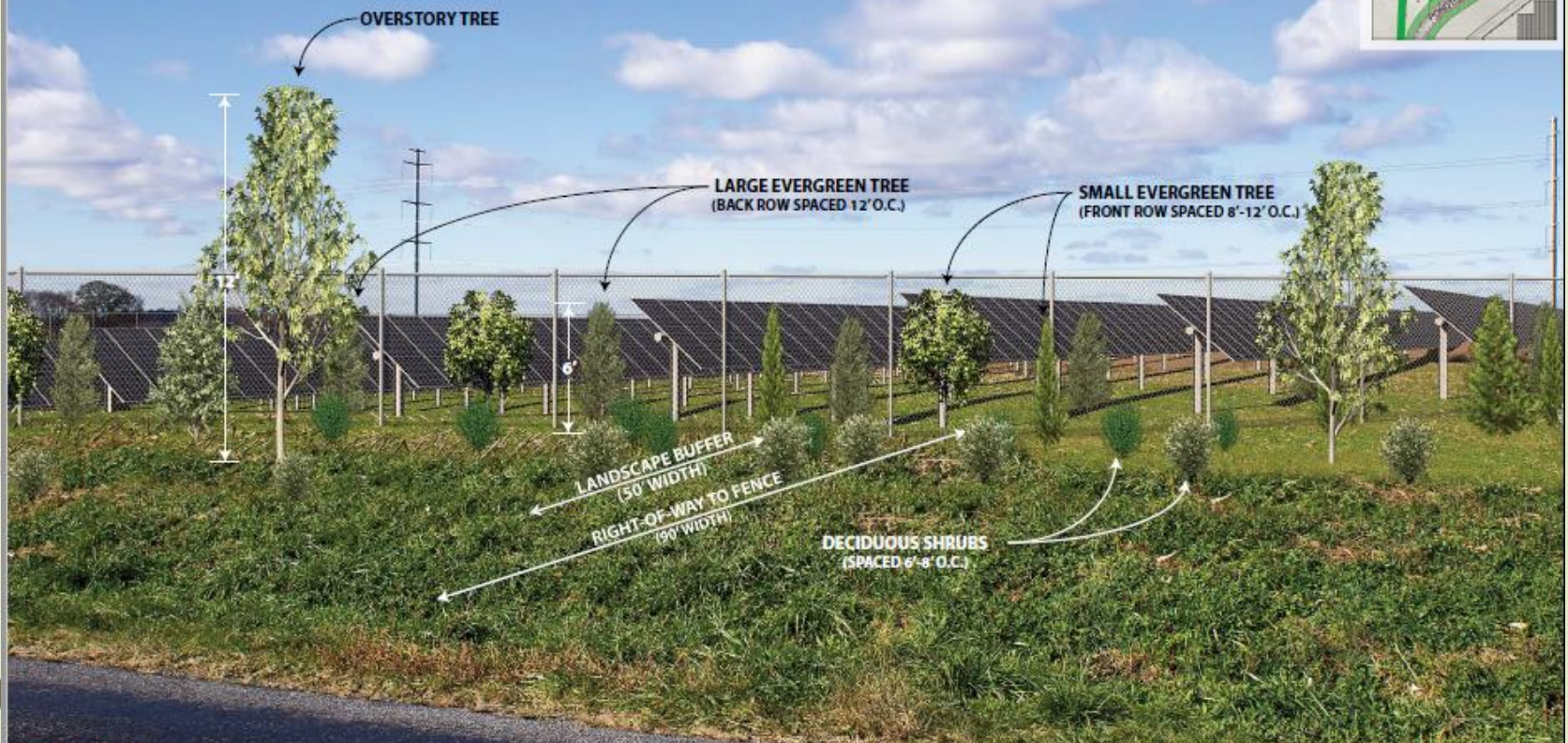
PREPARED FOR:  
**BLUEGRASS SOLAR, LLC.**

**BLUEGRASS SOLAR PROJECT**  
QUEEN ANNE'S COUNTY, MD



**PHOTO SIMULATION : VIEW NORTH FROM POND TOWN RD.  
AT PLANTING :  
PANEL SETBACK 100' FROM ROW**

LOCATION:



**Westwood**

Phone: (410) 327-0100  
Fax: (410) 327-0101  
Toll Free: (800) 327-0100  
Westwood Professional Services, Inc.  
100-11-10 10/13/2010

PREPARED FOR:  
**BLUEGRASS SOLAR, LLC.**

**BLUEGRASS SOLAR PROJECT**  
QUEEN ANNE'S COUNTY, MD



**PHOTO SIMULATION : VIEW NORTH FROM POND TOWN RD.  
2 YEARS AFTER PLANTING**

LOCATION:



**Westwood**

Phone 410-261-0100  
Fax 410-261-0101  
Cell 410-261-0102  
Email [info@westwoodinc.com](mailto:info@westwoodinc.com)  
Website [www.westwoodinc.com](http://www.westwoodinc.com)

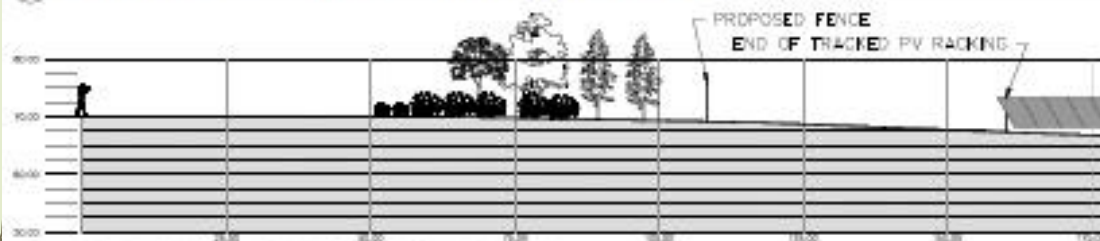
PREPARED FOR:  
**BLUEGRASS SOLAR, LLC.**

**BLUEGRASS SOLAR PROJECT**  
QUEEN ANNE'S COUNTY, MD






2 5 YEAR SIMULATION -VIEW FROM POND TOWN RD. POSITION



3 ELEVATION PROFILE - VEGETATION AT 5 YEARS



# Personal Property Taxes and PILOTs

- Local government taxation of electric generating equipment
  - 50% exemption
  - 30 year depreciation with 25% floor
- Payment in Lieu of Taxes Agreement – real and personal property



# Real Estate Considerations

## Option or Purchase Contracts

- Due diligence, approval contingencies and timeframes
- Deposit or option fee
- Record notice (memorandum)

## Leases

- Due Due diligence & development periods
- Exclusive rights/easements (sunlight, utilities, operations)
- Lease term/renewals (recordation tax < 7 years)
- Economic terms (pre-development, rent, property taxes)
- Construction liens
- Decommissioning
- Indemnification
- SNDAs



# Who's Talking Solar Siting?

- Governor's Task Force on Renewable Energy Development and Siting
  - Established by Executive Order 01.01.2019.09
  - The Task Force will study and make consensus-based recommendations on the siting of clean and renewable energy projects, including how to accelerate and streamline the siting of projects in desired areas, such as developed lands, brownfields, and parking lots, while minimizing the impact of projects sited in less-desired areas, such as agriculturally, ecologically, or culturally important lands
  - The recommendations must recognize and respect local government legal authority and private property rights.



# Who's Talking Solar Siting?

- Maryland House of Delegates Environment and Transportation Workgroup on Solar Development
  - Created by the House Environment and Transportation Committee, this Workgroup is focused specifically on the land use and siting issues surrounding solar development, with a focus on utility-scale solar facilities
- Statewide Joint Land Use Survey (JLUS) Implementation Committee Alternative Energy Siting Project
  - The Committee is tasked with studying and implementing the Maryland Statewide Joint Land Use Study Response Implementation Strategy, which contains recommendations to make state and local land use priorities align with the needs of military facilities located in the state
  - The Committee is developing an Alternative Energy Siting Project to ensure that alternative energy projects are located in a manner that do not disrupt base missions or current or future operating areas
- Senate Finance Committee Energy Briefing (September 16, 2019)
  - Considered the issues of solar siting and net metering

# The 2020 Session & Beyond

## ➤ The 2020 Session

- Expect legislation similar to SB 744 of 2019 (establishing a Commission on the Development of a Blueprint for Solar Energy in Maryland)
- Preliminary policy, regulatory, and statutory recommendations from the Renewable Energy Task Force
- Potential legislation on state and local revenue authority regarding solar energy projects

## ➤ Beyond 2020 Session

- Final recommendations of Renewable Energy Task Force in 2020
- Increasing pressures to meet State's energy goals
- Grid infrastructure and storage challenges

