

MINUTES

Baltimore County Planning Board Meeting

May 17, 2018

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- Appendix A Review of Article 4F* of Baltimore County Zoning Regulations Regarding Solar Facilities

Note: A copy of the appendices is located in the official Planning Board files.

Minutes
May 17, 2018

Moment of Silence for County Executive Kevin Kamenetz

Chairman Phillips opened the meeting with a moment of silence for the sudden passing of County Executive Kevin Kamenetz. The Chairman expressed appreciation for the opportunity that County Executive Kamenetz afforded him and other Board members over the years. The Board's thoughts and prayers are with the Kamenetz family during this difficult time.

Introduction of New Planning Board Member

Chairman Phillips introduced Mr. Bob Schweitzer, the newest Planning Board member from councilmatic district seven. Mr. Schweitzer thanked the Chairman and Board members for the warm welcoming and provided reviewed his experiences which have led him to serve with the Board.

Call to Order, Introduction of Board Members

Chairman Phillips called the meeting to order at 4:05 p.m. The following members were:

<u>Present</u>	<u>Absent</u>
1. Mr. N. Scott Phillips	1. Ms. Christina Berzins
2. Ms. Nancy Hafford	2. Ms. Michelle Lipkowitz
3. Mr. Paul Hartman	3. Ms. Lori Graf
4. Ms. Cathy Wolfson	4. Mr. Rick Yaffe
5. Mr. Mark Schlossberg	5. Mr. Howard Perlow
6. Mr. Wayne McGinnis	
7. Mr. Todd Warren	
8. Mr. Jon Herbst	
9. Mr. Bob Schweitzer	

County staff present included Jeff Mayhew, Lloyd Moxley, Wally Lippincott, and Jeff DelMonico from the Department of Planning. Mr. Warren arrived at 4:06 pm.

Review of Today's Agenda

Chairman Phillips asked staff if any changes were made to the agenda. Mr. DelMonico indicated that no modifications to the agenda were made.

Minutes of the March 15, 2018 Meeting

Chairman Phillips asked the Planning Board members if they had any questions regarding the minutes from the March 15th, 2018 meeting. No questions were posed and the Chair entertained a motion to accept the draft minutes. Ms. Hafford made the motion and Mr. Warren seconded the motion, which passed unanimously at 4:10 p.m. Absent for the vote was Ms. Berzins, Ms. Lipkowitz, Ms. Graf, Mr. Yaffe, and Mr. Perlow.

Item for Introduction

1. Bill 37-17: Solar Facilities – Evaluation of the Impacts of Solar Facilities in Baltimore County

Chairman Phillips recognized Wally Lippincott, Planner, to introduce a review of the Baltimore County Zoning Regulations on Solar Facilities. Mr. Lippincott provided the Board members with a report and explained staff's research process. Bill 37-17 stipulated the Planning Board evaluate solar facilities at the end of one year and report on their findings to the Council before July 1, 2018. Input was gathered from agencies and groups representing a broad spectrum of positions on the subject. The report summarizes the comments and recommendations from the group's discussions, provides data from 14 projects in process, and includes the Department of Planning's recommendations. Mr. Lippincott requested that the Planning Board set a public hearing for June 7th, 2018 at 5 p.m. to allow the public to comment on the legislation.

Ms. Wolfson inquired about how the list of group participants was selected and wondered why others were excluded since ten solar facilities are allowed in each district. Mr. Lippincott noted that the County Council named the participants within the legislation. Other organizations outside of those named also provided input at the discretion of the Department.

Mr. McGinnis asked how many farmers were within these groups. Mr. Lippincott stated that there was one farmer represented. Mr. McGinnis inquired on the veracity of the person's status in the farming community. Mr. Lippincott indicated that he raises cattle and is on the Agricultural Land Preservation Advisory Board.

Ms. Wolfson asked if the Planning Board would hear the committee's report. Mr. Lippincott indicated that the committee's report is included within the Department of Planning's report. Mr. Lippincott also expects that the committee will be present at the public hearing as well.

Mr. McGinnis asked why the Farm Bureau, the largest farming organization, was not invited to be on the committee. Mr. Lippincott reiterated the decision by the Baltimore County Council. The Department did solicit comment from the Agricultural Land Preservation Advisory Board and the Baltimore County Land Trust Alliance.

Ms. Wolfson inquired about the potential impact on current projects if a negative evaluation is sent to the Council. Mr. Lippincott indicated that the Planning Board can make recommendations to change certain components of the law. If the law changes while a project is in the process of being approved then it would matter if it were vested or not which is a legal question.

Mr. McGinnis stated that Baltimore County has been recognized nationally for its protection of farmland. It is Mr. McGinnis' opinion that commercial solar facilities on prime and productive farmlands upsets fifty years of protection. Mr. McGinnis believes that this will open the door to any other type of industrial use on farmland. Mr. Lippincott indicated the farmers have to put the solar facilities under forest buffers and forest conservation. Mr. McGinnis asked who pays the farmer if the power company goes bankrupt. Mr. Lippincott stated that it depends on the contractual agreement between the two partners and current law requires there be bonding for the equipment and for removing them from the site. Mr. McGinnis asked if Mr. Lippincott was aware of a solar facility in Carroll County where a number of panels were blown over during a storm which caused damage to the area. Mr. Lippincott was aware of the incident but does not know the full details of this case. Mr. McGinnis inquired if there has been a full impact study of the effect on the ground beneath the solar panels when sun light has been cut off or when it rains. Mr. Lippincott stated that there are many reports which can be referenced and shared with the Board.

Chairman Phillips asked if this report goes into great detail of the discussions between staff and the organizations. Mr. Lippincott confirmed that the report summarizes the concerns which were raised about certain pesticides or chemicals. Chairman Phillips inquired if the additional written input was provided regarding the committee's meeting which may address some of Mr. McGinnis' concerns. Mr. Lippincott cited Scenic Hudson, CEQ, and multiple energy groups for which the Department looked at. Mr. Lippincott informed the Board of the extensive literature on this topic. Mr. Phillips requested that Mr. Lippincott provide the Board with the reports that staff used for research purposes. Mr. Hartman suggested providing Bill 37-17 for the Board members to look over. Mr. Lippincott agreed to provide all materials.

Ms. Wolfson asked if the power company were to fail, will the bond be good through the life of the contract so that the fund be available to deconstruct and remove the solar facility from the site. Mr. Lippincott stated that he would have to get back on that question as this is still being worked out amongst the fourteen projects currently going through permitting with the Department of Permits, Approvals, and Inspections.

Chairman Phillips asked if staff recommendations are being shared to the Board. Deputy Director Jeff Mayhew stated that staff's recommendations are within the report.

The Chair entertained a motion to set the public hearing. Ms. Hafford made a motion to set a Public Hearing for June 7, 2018. Mr. Schweitzer seconded the motion, which passed unanimously at 4:30 p.m. Absent for the vote was Ms. Berzins, Ms. Lipkowitz, Ms. Graf, Mr. Yaffe, and Mr. Perlow.

Other Business

2. Report from the April 12th, 2018 and May 10th, 2018 meetings of the Landmarks Preservation Commission

Mr. DelMonico reported on the April 12th, 2018 and May 10th, 2018 meetings of the LPC.

3. Recent County Council Legislation of Interest to the Board

Mr. DelMonico provided a brief report on the recently passed County Council legislation which are listed below.

- a) Bill 21-18 – Zoning Regulations – Cold Rolling Mill
- b) Bill 25-18 – 2018 Basic Services Maps
- c) Resolution 23-18 – Approval of PUD – Country Club Estates
- d) Resolution 29-18 – Approval of PUD – Augsburg Lutheran Home
- e) Resolution 33-18 – Designation of Essex area as a Sustainable Community

Adjournment of the Board Meeting

Chairman Phillips called for a motion to adjourn the Board meeting. Ms. Hafford made the motion and Ms. Wolfson seconded the motion, which passed unanimously at 4:34 p.m. Absent for the vote was Ms. Berzins, Ms. Lipkowitz, Ms. Graf, Mr. Yaffe, and Mr. Perlow.