

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Commissioners of St. Mary's County will hold a Public Hearing on **Tuesday, September 28, 2021 at 9:15 a.m. in the Chesapeake Building, Commissioners of St. Mary's County Meeting Room, located at 41770 Baldrige Street in Leonardtown, Maryland** to consider public input on the repeal of the Solar Moratorium Ordinance. The proposed ordinance can be viewed at: <http://www.stmarysmd.com/publichearings.asp>

Public Hearings are now open to the public. The public may also view the hearing remotely on SMCG Channel 95 and on the St. Mary's County Government YouTube Channel:
https://www.youtube.com/channel/UCCdK2_siSdnSnxDKWVtU7JQ

In lieu of appearance, comments may be submitted via:

- a) Written Comments via Email: csmc@stmarysmd.com
- b) Mail: PO Box 653, Leonardtown, Maryland 20650
- c) Call 301-475-4200, ext. 1234 to speak via telephone during the public hearing
- d) Submit a 3-minute video clip to publicmtgs@stmarysmd.com no later than 5 pm October 5, 2021.

Citizens may listen to the Public Hearing by calling 301-579-7236; Access code: 963443#
All submission will be considered by the Commissioners at the Public Hearing and/or seven (7) days following the Public Hearing.

Public Hearing guidelines are subject to change.

Appropriate accommodations for individuals with special needs will be provided upon request. In order to meet these requirements, we respectfully ask for one week's prior notice. Please contact the County Commissioners Office at 301-475-4200, Ext. 1340. Proceedings are televised live and/or recorded for later broadcast on television. All content of these proceedings is subject to disclosure under the Maryland Public Information Act. Photographic and electronic audio and visual broadcasting and recording devices are used during the Commissioners' meetings. These are public meetings and attendance at these meetings automatically grants St. Mary's County Government permission to broadcast your audio and visual image.

COMMISSIONERS OF ST. MARY'S COUNTY

By: David A. Weiskopf, County Attorney
Publish on 9/10 and 9/17

**ST. MARY'S COUNTY GOVERNMENT
OFFICE OF THE COUNTY ATTORNEY**

*David A. Weiskopf, County Attorney
Neil A. Murphy, Deputy County Attorney
John S. Houser, Assistant County Attorney*



Commissioners of St. Mary's County

James R. Guy, President
Eric Colvin, Commissioner
Michael L. Hewitt, Commissioner
Todd B. Morgan, Commissioner
John E. O'Connor, Commissioner

COMMISSIONER COMMUNICATION MEMORANDUM

To: Commissioners of St. Mary's County
Dr. Rebecca B. Bridgett, County Administrator
From: David A. Weiskopf, County Attorney
Date: August 31, 2021

Subject: Request for Public Hearing for the repeal of the moratorium on utility-scale solar projects.

Topic: Earlier in the year, the Commissioners for St. Mary's County adopted a moratorium on utility-scale solar projects while the Solar Task Force was preparing their final report to the Commissioners.

Background: On January 8, 2020, the Commissioners of St. Mary's County approved the request to form a Solar Task Force.

On March 9, 2021, the County Commissioners adopt a temporary moratorium on the reviewing and approving of new applications for utility-scale solar projects for St. Mary's County. The proposed moratorium allowed the Chesapeake Conservancy, currently under contract, to finish its report to the Solar Task Force.

The Solar Task Force Presented its final report to the Commissioners of St. Mary's County on August 17, 2021, and as a result the Commissioners of St. Mary's County expressed interest in repealing the moratorium.

Recommendation: Authorize staff to schedule a public hearing for September 28, 2021, for public comments on the repeal of Ordinance 2021-15 that provided for the temporary moratorium on the reviewing and approving of new applications for utility-scale solar projects.

Timeline:

August 31st – Request for Public Hearing
September 10th – Southern Maryland News publishes first notice
September 17th – Southern Maryland News publishes second notice
September 28th – Public Hearing – 9:15 a.m.
October 5th - Public comment period closes
October 19th – Decision

Subject: One Year Moratorium on
Utility-Scale Solar Projects

LIBER 0029 FOLIO 001

ORDINANCE

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

WHEREAS, Title 4 of the *Land Use Article* of the *Annotated Code of Maryland* empowers local jurisdictions to enact and administer a zoning ordinance, which ordinance is Chapter 285 of the Code of St. Mary's County; and

WHEREAS, a utility-scale solar project had been, and others are likely to be proposed to be constructed on land in St. Mary's County; and

WHEREAS, utility-scale solar projects raise a number of concerns to the Commissioners, including ensuring that the solar industry is managed in a fashion that reduces conflicts and is done in harmony with St. Mary's County land use planning efforts, and consistency with the public health, safety and welfare of the residents of St. Mary's County; and

WHEREAS, the Commissioners of St. Mary's County have formed a Solar Task Force to seek community input, further investigate community needs, learn about solar regulations, identify potential site locations, discuss potential strengths/challenges with solar facilities and make recommendations, June of 2021, to the Commissioners of St. Mary's County; and

WHEREAS, the Solar Task Force, at their December 9, 2020 meeting, voted to recommend that the Commissioners of St. Mary's County adopt a temporary moratorium on reviewing and approving of utility-scale solar projects for a period of one year from December 9, 2020; and

WHEREAS, St. Mary's County is reviewing existing zoning requirements that are related to utility-scale solar projects and desires to impose a one year moratorium to allow the Solar Task Force and County staff to study these matters, finalize their recommendations and propose changes to the St. Mary's County Comprehensive Zoning Ordinance to better achieve the goals expressed in the St. Mary's County Comprehensive Plan; and

WHEREAS, a notice of a public hearing was advertised on February 5, 2021 and February 12, 2021 in *Southern Maryland News*, a newspaper of general circulation in St. Mary's County, and a public hearing was held on February 23, 2021 9:00 a.m. to receive public comment and consider adopting this Ordinance; and

BER 0029 FOLIO 002

WHEREAS, the Commissioners of St. Mary's County believe that one year is a reasonable length of time for completion of the study and that a moratorium upon the reviewing and approving of utility-scale solar projects for that length of time is necessary and in the best interests to promote the health, safety, and welfare of the citizens of St. Mary's County,

NOW, THEREFORE, BE IT RESOLVED by the Commissioners of St. Mary's County, pursuant to §4-201 of the Land Use Article of the Annotated Code of Maryland, that:

SECTION I. Direct County staff to study these matters, finalize their recommendations and propose any changes to the St. Mary's County Comprehensive Plan and St. Mary's County Comprehensive Zoning Ordinance;

SECTION II. A moratorium on reviewing and approving of utility-scale solar projects shall be, and hereby is, imposed for a period of one year from and after adoption of this Ordinance.

SECTION III. This Ordinance shall apply to any new utility-scale solar projects applied for on or after the effective date of this Ordinance.

SECTION IV: This Ordinance shall be effective as of the date set forth below.

Those voting Aye: 5

Those voting Nay: 0

Those Abstaining: 0

Date of Adoption: March 9, 2021

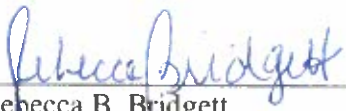
Effective Date: March 23, 2021

Subject: One Year Moratorium on
Utility-Scale Solar Projects

12ER0029 FOLIO003

ATTEST:


COMMISSIONERS OF ST. MARY'S COUNTY


Rebecca B. Bridgett
County Administrator


James R. Guy, Commissioner President


Eric Colvin, Commissioner

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:


David A. Weiskopf
County Attorney


Michael L. Hewitt, Commissioner


Todd B. Morgan, Commissioner


John E. O'Connor, Commissioner

12ER0029 FOLIO004

DOCUMENT VALIDATION

LR - Government
Instrument: 0.00
Agency Name:
Commissioners of St.
Mary's County
Instrument List: Other
Describe Other:
Ordinance No. 2021-15
Ref: MM/Co
Commissioner: 2371
=====
Total: 0.00
03/17/2021 01-47
0015-CR
#14058144 000704 - St
Mary's
County/0007.04.02 --
Register 02

Circuit Court for St. Mary's County
PO Box 676
41605 Courthouse Drive
Leonardtown, MD 20650
(301) 475-7844

ORDINANCE

REPEAL OF THE MORATORIUM ON UTILITY-SCALE SOLAR PROJECTS

WHEREAS, Title 4 of the *Land Use Article* of the *Annotated Code of Maryland* empowers local jurisdictions to enact and administer a zoning ordinance, which ordinance is Chapter 285 of the Code of St. Mary’s County; and

WHEREAS, On March 9, 2021, the Commissioners of St. Mary’s County adopted Ordinance 2021-15 which was a temporary moratorium of utility-scale solar projects in St. Mary’s County; and

WHEREAS, On August 17, 2021, the Solar Task Force presented their final report to the Commissioners; and

WHEREAS, Land Use and Growth Management will introduce new solar siting regulations for the Comprehensive Zoning Ordinance within the next sixty (60) days; and

WHEREAS, a notice of a public hearing was advertised on September 10, 2021, and September 17, 2021, in *Southern Maryland News*, a newspaper of general circulation in St. Mary’s County, and a public hearing was held on September 28, 2021 9:15 a.m. to receive public comment on Repealing Ordinance 2021-15; and

WHEREAS, the Commissioners of St. Mary’s County believe that repealing Ordinance 2021-15, which was a moratorium of utility-scale solar projects is necessary and in the best interests to promote the health, safety, and welfare of the citizens of St. Mary’s County,

NOW, THEREFORE, BE IT RESOLVED by the Commissioners of St. Mary’s County, pursuant to §4-201 of the *Land Use Article* of the *Annotated Code of Maryland*, that:

SECTION I. That Ordinance 2021-15 be, and hereby is, repealed;

SECTION II: This Ordinance shall be effective as of the date set forth below.

Those voting Aye: _____

Those voting Nay: _____

Those Abstaining: _____

Date of Adoption: _____

Effective Date: _____

ATTEST:

COMMISSIONERS OF ST. MARY'S COUNTY

Rebecca B. Bridgett
County Administrator

James R. Guy, Commissioner President

Eric Colvin, Commissioner

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

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