COUNTY COUNCIL

OF

TALBOT COUNTY, MARYLAND

2016 Legislative Session, Legislative Day No.: June 14, 2016

Resolution No.: 227

Introduced by: Mr. Callahan, Mr. Pack, Ms. Price, Ms. Williams

A RESOLUTION TO ADOPT A TEMPORARY MORATORIUM ON THE PERMITTING OF SOLAR ARRAY ENERGY SYSTEMS OCCUPYING AN AREA TWO (2) ACRES OR GREATER FOR A PERIOD OF SIX (6) MONTHS PENDING CONSIDERATION AND ADOPTION OF SUCH LEGISLATION AS THE COUNTY COUNCIL MAY CONSIDER ADVISABLE TO PROMOTE PUBLIC HEALTH, SAFETY, AND WELFARE

By the Council: June 14, 2016

Introduced, read the first time, and ordered posted, with Public Hearing scheduled on Tuesday, June 28, 2016 at 6:30 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland 21601.

By order: Susan W. Moran
Secretary

A RESOLUTION TO ADOPT A TEMPORARY MORATORIUM ON THE PERMITTING OF SOLAR ARRAY ENERGY SYSTEMS OCCUPYING AN AREA TWO (2) ACRES OR GREATER FOR A PERIOD OF SIX (6) MONTHS PENDING CONSIDERATION AND ADOPTION OF SUCH LEGISLATION AS THE COUNTY COUNCIL MAY CONSIDER ADVISABLE TO PROMOTE PUBLIC HEALTH, SAFETY, AND WELFARE

WHEREAS, the Talbot County Comprehensive Plan includes growth management goals designed and intended to conserve the environmental quality of the County through measures which protect natural resources, agricultural, and environmentally sensitive lands; to conserve and preserve the rural character of the County and to control development design in order to promote and enhance the physical appearance and rural character of the County; and

WHEREAS, Talbot County is experiencing a high and increasing demand for the siting and construction of photovoltaic solar array fields at various locations throughout the community; and

WHEREAS, Talbot County desires to review existing requirements in light of changing technology, changing consumer demands, and changes to existing infrastructure in the County to evaluate the siting and construction of additional photovoltaic solar array fields; and

WHEREAS, the County desires to impose a six (6) month moratorium to allow the Planning Commission, County staff and an appointed committee time to study these matters, finalize their recommendations, and propose policy changes to better achieve the goals expressed in the Talbot County Comprehensive Plan before additional development occurs that may be contrary or inimical to the goals in the Comprehensive Plan; and

WHEREAS, completion of this process is anticipated to occur within the six (6) month period to allow the results of their studies and their recommendations to be considered by the Talbot County Council in connection with enactment of legislation on this subject.

NOW, THEREFORE, BE IT RESOLVED by the County Council for Talbot County, Maryland, that:

1. Moratorium established. A temporary moratorium on the issuance of permits for approval and construction of solar array energy systems in Talbot County occupying an area of two (2) acres or greater in size shall be and is hereby established for a period of six (6) months from and after the adoption of this Resolution.

2. Study, recommendations, and legislation. This temporary moratorium is established to allow sufficient time within which to complete the pending study, finalize recommendations, and enact appropriate legislation:

(a) to best promote the policies articulated in the Comprehensive Plan;

(b) to develop suggestions and options to minimize any adverse visual effects or impacts of solar array energy systems;

(c) to consider restriction of solar array energy systems in certain zoning districts;

(d) to consider imposition of use standards;

(e) to consider the impact of solar array energy systems on environmentally sensitive areas and agriculturally productive lands, and possible mitigation requirements;

(f) to obtain such expert advice and assistance as necessary;

(g) to consider such other matters as the Planning Commission or County staff deem appropriate.

3. New and pending applications. This moratorium is a short-term suspension of administrative review and permit issuance while the County completes its study and finalizes its recommendations.

(a) County departments shall, within the framework of their many other responsibilities, continue to accept applications (e.g. assign docket numbers and other administrative aspects associated with the filing of applications for approval of solar array energy systems), subject to ordinance provisions as may be revised during the moratorium.

(b) County departments shall place on hold any pending requests for review or permit issuance for solar array energy systems two acres or greater in size that have not received Planning Commission site plan approval as of the effective date of this Resolution. Projects that have received approval from the Planning Commission as of the effective date of this Resolution are not subject to this temporary moratorium and may continue.

(c) All permits or approvals issued after this temporary moratorium expires shall comply with legal requirements in effect at that time, including without limitation any new requirements imposed by legislation adopted during the pendency of the moratorium, which may require the applicant to provide supplemental, new, or different information; to change the scope of the project; and/or to relocate the project or features thereof.

4. Effective date. This temporary moratorium shall be effective upon adoption of this Resolution.

PUBLIC HEARING

Having been posted and Notice, Time and Place of Hearing, and Title of Resolution No. _____having been published, a public hearing was held on _____ at _____ p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland.

BY THE COUNCIL

Read the second time:

Enacted: _____

By Order: _____
Secretary

Pack -

Williams -

Bartlett -

Price-

Callahan -

EFFECTIVE: