

## **Frequently Asked Questions**

### **Regarding Local Regulation of Commercial Solar Energy Systems**

#### **1. What are County Officials doing to address concerns about Commercial Solar Energy Systems?**

Answer: Many members of the public have contacted County Officials regarding this important issue. Some citizens want to lease their land to solar developers in order to capture the economic benefits available to landowners. Some citizens oppose these developments. In August 2022, the Board of Commissioners adopted text amendments to the Zoning Ordinance which provided for enhanced setbacks and other changes designed to protect adjacent, non-participating landowners. In October 2022, the Plan Commission will continue to review the issues and may propose to the Board of Commissioners additional text amendments to the Zoning Ordinance.

#### **2. Is the County providing economic development incentives to the solar developers?**

Answer: No. In June 2022, Cold Spring Solar, LLC requested tax abatement for its project, but the County Council denied this request. No other requests for such incentives have been received by County Officials.

#### **3. Can the County prohibit commercial solar energy systems?**

Answer: No, but it can consider changes to its Zoning Ordinance to restrict where the projects may be located, under what conditions such project are allowed, and what process must be used for such approvals. These are the types of matters the Plan Commission is considering at this time.

#### **4. Who decides this issue?**

Answer: The Board of Commissioners. The Plan Commission is advisory, and this means that it makes recommendations to the Board of Commissioners regarding possible changes to the text of the Zoning Ordinance.

#### **5. What is the timetable for consideration of changes to the text of the Zoning Ordinance?**

Answer: If the Plan Commission makes a recommendation to the Board of Commissioners for text amendments, the Board of Commissioners will consider those proposed changes approximately 30 days after the Plan Commission certifies its recommendation to the Board of Commissioners.

**6. Does the public have the right to be heard on such text amendments?**

Answer: Yes. The public has the right to speak at both the Plan Commission meeting when the text amendments are considered and the Board of Commissioners' meeting when the text amendments are considered.

**7. Are there restrictions on how far the County can go in regulating Commercial Solar projects?**

Answer: Yes. There are several state law limitations and state and federal constitutional restrictions which apply to County planning and zoning. In its regulation of commercial solar projects, the Board of Commissioners must comply with these laws and restrictions.

**8. The Comprehensive Plan indicates that the preservation of prime farmland is one of the primary purposes of planning and zoning in Montgomery County. Does the Comprehensive Plan require the Board of Commissioners to take action to preserve prime farmland and protect it from solar projects?**

Answer: No, the Comprehensive Plan is a statement of objectives for future development, a statement of policy for land use development, and a statement of policy for the development of public ways, public places, public lands, public structures, and public utilities. The Plan is a vision for land use and development in the County. Although the Comprehensive Plan is a very important guide to land use policy, it is simply one of five factors the Board of Commissioners must consider when making amendments to the text of the Zoning Ordinance. These five factors are (1) the comprehensive plan, (2) the current conditions and the character of current structures and uses in each district, (3) the most desirable use for which the land is adapted, (4) the conservation of property values throughout the jurisdiction, and (5) responsible development and growth. The law requires the Board of Commissioners to consider the totality of all five factors. No one factor controls the decision.