



## Solar facility zoning code is updated by Bill 53-23



### Bill 53-23 Revises zoning code for solar generating facilities

Following an extensively debated zoning bill in 2018 (Bill 89-18) there has been only limited development of solar generating facilities in Anne Arundel County. The 2018 bill mandated minimum distance separations between solar facilities, which, when combined with geographical issues, limited the number of viable solar sites. However, the need for more clean energy continues to increase, and this year the state legislature passed legislation intended to accelerate statewide solar development. In 2021 the Maryland Court of Special Appeals also established that the Public Utilities Commission (PUC) can override County legislation for solar sites larger than 2 MW.

In response to this changing background, the Administration has introduced [Bill 53-23](#), which acknowledges the preemptive authority of the PUC and modifies the zoning conditions for solar sites of less than 2 MW to remove distance separation requirements, allow rooftop solar to be implemented in all Commercial zones as well as W1 industrial zones, and exempt sanitary landfills, reclaimed land, and County property from most special exception restrictions. It is important to note, however, that no more than 20 acres or 25% of a lot may be used for ground based solar in non-exempt areas and that tree removal must be mitigated with replanting at a 3:1 ratio.

GAN supports the main features of 53-23, but notes that there is likely to be an increase in the number of ground-based community solar projects resulting from the elimination of the 10-mile separation requirement. It will become more important that community solar projects do not adversely impact things like water quality. Indeed, an amendment is needed to avoid potential water contamination issues like those [recently observed in Prince Georges County](#) and shown in the photo to the right.



Problems like these can be reduced when suitable early attention is given in the development process to (1) minimize soil compaction and maintain topsoil depth, (2)

maximize retention of original vegetative cover and (3) augment these steps with planting of deep-rooted vegetative cover under and between the arrays. GAN is collaborating with members Advocates for Herring Bay and CEPA, as well as Councilmember Leadbetter to suggest an appropriate amendment and advocate for amending the bill.

All GAN members are encouraged to contact their Council representative and request amendment of Bill 53-23 to assure that solar power generation does not inadvertently create stormwater contamination.

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## Lessons for Anne Arundel County from Hawaii

The island of Oahu is similar in several ways to Anne Arundel County. It has a similar size, comparable population, hosts a large military base, and has long been viewed as a desirable place to live.

The Waikiki beach area has experienced high development pressure for several decades, with consequent rapid growth. **Reviewing Waikiki's history can provide important lessons that should help guide our local planning strategy.**

Click the link at the right to watch a short video highlighting several relevant issues.



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