



House Bill 863

State Agricultural and Conservation Property Interests – Solar Facilities (Right to Solar Farm)

MACo Position: **OPPOSE**

To: Environment and Transportation Committee

Date: February 22, 2017

From: Leslie Knapp, Jr. & Kevin Kinnally

The Maryland Association of Counties (MACo) **OPPOSES** HB 863. While well intentioned, the bill would upset both State and local government long-term land use planning and land preservation goals that have been in development for decades.

HB 863 would authorize the development of solar facilities on up to 3% of any property under the Maryland Agricultural Land Preservation Foundation (MALPF), the Maryland Environmental Trust (MET) and the Rural Legacy Board (RLB). The bill also sets an aggregate cap which prohibits further solar development once 25% of the total land in each program has solar facilities. The bill also removes certain requirements for solar that remain in place for other renewable energy sources, such as the requirement that a renewable energy project must not interfere significantly with agricultural uses of land subject to a MALPF easement.

As MACo has previously noted, solar energy has many environmental and energy generation benefits and Maryland needs a mix of solar generation capacity – including utility scale development – in order to meet both its energy and environmental goals. Maryland is also recognized nationally for both its long-term land use and environmental planning. However, HB 863 would needlessly upset those planning efforts.

The State and local governments work closely to identify properties or areas suitable for MALPF easements or a Rural Legacy designation (the same is true with MET properties, but to a slightly lesser extent). These decisions are based on sustaining production agriculture and the secondary industries associated with it, protecting natural and scenic lands, and preserving unique rural cultures. Once these are lost, they are permanently gone. For all of its benefits, ill-planned and rushed solar development can have the same negative impacts as other forms of development. The Nature Conservancy has stated that energy has now replaced housing as the number one development use of open space.

MACo believes that the State's environmental and land use planning systems can accommodate considered and well-placed solar development. Despite the good intentions of HB 863, the bill would create a land rush on lands that were previously preserved and protected for other uses. Accordingly, MACo requests the Committee give HB 863 an **UNFAVORABLE** report.