

**July 22, 2025****To:** Khandikile Mvunga Sokoni, Hearing Examiner**From:** Mark Beall, Zoning Planner, Upcounty Division**cc:** Nana Johnson
Jony Guisao-Ospina
Soo Lee-Cho**Subject:** Mountain Vale Solar CU202507 Supplemental Report: Request for Additional Information from the Hearing Examiner (OZAH)

On June 26, 2025, Planning Staff presented Mountain Vale Solar CU202507 for a Solar Collection System to the Planning Board. The Planning Board recommended approval of the Solar Collection System to the Hearing Examiner.

On July 19, 2025, Planning Staff received an email from the Hearing Examiner's Office requesting additional information about the project. After reviewing the questions, Staff has the following additional information:

Staff Report page 3

Condition #3 contains a requirement that "A copy of the approved Conditional Use Plan, along with any subsequent amendments, must be on site at all times."

However, it is noted at page 8 that "*The facility will be unmanned Solar Collection System with occasional visits for maintenance purposes.*"

Are you able to kindly shed some light on the rationale behind that part of Condition 3 and whether there is a way to accomplish the goal given the practical limitations of the facility being unmanned.

During the construction of the Solar Collection System, all associated Conditional Use Plans and any associated amendments, if applicable, must be onsite. This process is to ensure the contractor onsite is constructing the Solar Collection System in accordance with the approved Conditional Use Plans. Also, when the Department of Permitting Services (DPS) Inspectors are onsite during the construction process, they can refer to those plans. The plans do not need to remain onsite once the Solar Collection system has been completed.

Staff Report page 12

An expansion/clarification of the environmental analysis at page 12 would be greatly appreciated.

This Section is a brief summary of the environmental section. The full analysis, findings and detail of the environmental review are found starting on page 24 of the Staff Report.

Staff Report page 13.

Regarding the finding under Sect. 59.3.7.2.B.2 that the solar collection system is compliant with the requirements of the State's net metering program under Maryland Code §7-306, COMAR 20.50.10, and COMAR 20.62. Are you able to confirm if the applicant has demonstrated this compliance in writing?

Community Solar Projects are regulated by Maryland Code Section 7-306, COMAR 20.50.10 and COMAR 20.62. According to the Interconnection Preliminary Approval from Potomac Edison, the Applicant will be required to meet the Net Metering requirements of the State of Maryland (COMAR 20.50.10). The Applicant has confirmed the following in writing dated July 24, 2025:

The proposed community solar project complies with the Maryland net metering program under *Md. Code §7-306, COMAR 20.50.10, and COMAR 20.62*, as demonstrated by the following:

- The project has been assigned a Potomac Edison interconnection case number GEN-CS-9064, confirming it has been reviewed and approved under Maryland's interconnection procedures for Community Solar Energy Generating Systems, in compliance with *COMAR 20.50.10*.
- The project has also been assigned a Maryland Public Service Commission (PSC) Subscriber Organization ID number 20A2323980004551, confirming registration and approval under the state's Community Solar Energy Generating System (CSEGS) pilot program in accordance with *COMAR 20.62*.
- These approvals verify that the project meets all requirements of the Maryland net metering program, including size limitations, interconnection standards, virtual net metering protocols, and consumer protection requirements.
- Subscriber energy credits will be allocated through Potomac Edison's billing system in accordance with *Md. Code §7-306*, allowing participating customers to receive proportional credit for their share of the system's energy production.

These formal designations confirm that the project is in full compliance with Maryland's statutory and regulatory requirements for community solar.

Staff Report pages 6 & 16

Page 6 of the Report states that “If approved, this will be the only Solar Collection System within the general area and therefore will not overburden the neighborhood with Conditional Uses or specifically Solar Collection Systems.”

At page 16 the Report states: “There are two previously approved Conditional Uses for Solar Collection Systems, making this Application the third project. Cumulatively, the three total 31.6 acres of Conditional Use are and 19.95 acres of fenced in solar arrays, well under the 1,800 acres of land.”

Is it possible to set out the locations, conditional use case numbers, approval dates and acreage for each previously approved solar facility currently located in the AR Zone?

The Hearing Examiner has approved two previous Solar Collection Systems on the east side of the county, not in the general area of the subject Application. The first project, Rein Solar CU202305, was approved on June 8, 2023, and is located at 5011 Riggs Road in Brookeville consisting of 7.73 acres. The second project, Gregg Road Solar CU202404, was approved on January 18, 2024, and is located at 4434 Gregg Road in Brookeville consisting of 12.64 acres.

Report page 18

Regarding the (6)Signage 59.6.7 finding will the site contain an emergency contact sign? If so, do we have a sign size (square footage) and location?

The Applicant is not proposing signage at the entrance on Barnesville Road. If the Applicant were to install a sign with emergency contact information on the fence surrounding the Solar Collection System, it would not require a sign permit through DPS and is exempt from Section 59.6.7 because it would not be visible from the public right-of-way.

Report pages 18-19

Regarding the Sect. 59.7.3.1.E.c.) required finding that the Conditional Use “... substantially conforms with the recommendations of the applicable master plan.”

Are you able to kindly specify how the proposed use conforms with any Rustic Roads Master Plan recommendations for Barnesville Road?

Did the Rustic Roads Committee or Town of Barnesville provide any comments that would help inform an analysis on conformance with the AROS Master Plan?

The Applicant presented Mountain Vale Solar to the Rustic Roads Advisory Committee (RRAC) on May 22, 2025, so they could provide input as it relates to the Rustic Roads Functional Master Plan. The RRAC reviewed the project but did not make a recommendation on the development. One comment the applicant received from the RRAC was to remove the split rail fence along the street frontage, so the Applicant removed that fence from their proposal. The Applicant is proposing landscaping along the frontage of Barnesville Road to help screen the project from the Rustic Road and has even added extra landscaping after the RRAC meeting. Some representatives from the Town of Barnesville attended the pre-application meeting, which was open to the public, but did not make any comments at that time. Planning Staff reached out to the Town of Barnesville but did not receive a returned call. The Applicant has informed staff that they have also been in contact with the Town, but did not receive any negative feedback. Consequently, no one has commented on Staff’s findings of substantial conformance with the AROS.

Report pages 19-20

Regarding the required finding under Sect. 59.7.3.1.E. f: *"...will be served by adequate public services and facilities..."*

I may have missed them in the record but are you able to provide the water and sewer categories to serve the proposed use.

The Property has a water category of W-6 and a sewer category of S-6. The applicant is not proposing any onsite restroom facilities since this is an unmanned Solar Collection System. The applicant will be providing an underground water storage tank for fire protection purposes. The tank will not only serve as fire protection for the proposed facility, but also for the surrounding areas in the event of a fire.

Restoration/Obsolescence

Would Staff have any thoughts or concerns on including a condition that addresses restoration such as:

"The Solar Collection system equipment and associated support structures must be removed at the cost of the owner of the Solar Collection System when the Solar Collection system is no longer in use by any energy company for more than 12 months."

Since you already have a condition addressing bonds for construction and maintenance, maybe that bond could be also encompass restoration once the use is retired?

The condition for the bond is to ensure the proper construction of the landscaping, fencing and paving. This bond will be released once everything is constructed and signed off by the DPS Zoning Staff and the M-NCPPC Forest Conservation Inspection Staff. To bond the project for the dismantling of the facility would require a bond that would be open for twenty (20) to thirty (30) years. This has not been a condition on the previous two projects that have been recommended for approval by Planning Staff and approved by the Hearing Examiner (OZAH). If such a bond were required, it would need to be held by the County DPS through its permitting authority not the Planning Department. We would note that the new State Law, the Renewable Energy Certainty Act, does include a provision that requires a surety bond be posted with the Public Service Commission for 125% of the estimated future cost of decommissioning and that it be reviewed every 5 years.

In addition, you provided Staff with a copy of a community letter sent to OZAH on July 15, 2025. The Applicant provided a detailed landscape plan showing the proposed landscaping throughout the project. There will be no onsite water supply for watering the new plants so the Applicant will have to truck water to the site to water the plants after planting. By the Applicant trucking in water, there will be no effects on the ground water or well from watering the plants. The Applicant is responsible for maintaining the landscaping after installation. The landscaping is bonded as part of the Conditional Use and will not be released until after DPS and MNCPPC Staff have performed a final inspection. The Applicant also has an approved Fire Department Access (FDA) Plan from DPS Fire Access. The FDA Plan includes an underground cistern for fire protection. This cistern is not only for the protection of the proposed Solar Collection System, but also for the community surrounding the property.

Please feel free to reach out to Staff if you have any additional questions or concerns.