

# Renewable Energy Certainty Act and the Town of Pooleville

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# What is the Renewable Energy Certainty Act?

- The **Renewable Energy Certainty Act (HB1036)** took effect July 1, 2025. This act establishes statewide rules for siting solar and energy-storage projects and limits the extent to which local zoning can restrict them.
- This Act essentially codifies the decision of the Supreme Court of Md. in *Board of County Commissioners of Washington County v. Perennial Solar, LLC*, 464 Md. 239 (2019), which held that PU § 7-207's comprehensive framework for Public Services Commission(PSC) review of generating stations (including solar energy generating systems, or "SEGS") impliedly preempts local zoning authority over the project's location and construction.

# What is the intent of the Act

- The law was designed to:
  - Standardize permitting for solar and storage projects across Maryland.
  - Prevent local jurisdictions from adopting zoning laws that effectively block solar development.
  - Balance renewable-energy expansion with preservation of agricultural and open-space lands.
  - The law covers three main types of Projects, Solar Generation Stations (AKA Solar Farms) Energy storage projects, and Rooftop solar.\*

\*The Town of Poolesville Code already allows Rooftop Solar Projects and ground-mounted solar for on-site use only.

# Key Provisions of the Act

- Local governments may not enact zoning rules that *prohibit* the construction or operation of solar PV projects.
- The Maryland Public Service Commission (PSC) now applies standardized criteria when reviewing energy-project applications.
- At least 95% of Priority Preservation Areas remain protected from solar development, ensuring farmland and open space are preserved.

# Public Service Commission Process

- The PSC is the state agency charged with implementing the State's Siting standards under the act.
- As part of the PSC's review of solar applications, they are required to hold a public hearing in every county and municipality where a generation station or transmission line will be located. Notice for the hearing is made by both the PSC and the Local jurisdiction
- The municipality and counties will be able to provide a recommendation to the PSC, and the public will be allowed to provide testimony at the Public hearing.
- The PSC must also consider Local comprehensive plans and Zoning regulations as long as it does not conflict with state law.

# PSC Process Continued

- The Town of Poolesville is an overburdened and underserved community. Therefore, Any project within the Town must have two additional public meeting process in which the applicant must collect and provide opportunities to address community feedback.
- The PSC must also consider the following as part of its review of any Solar Generating station project:
- Reliability of the electrical system, economics, aesthetics, and historic sites.

# State Siting standards

- Solar Generating Stations must be at least:
- 150 Feet away from the wall of the nearest dwelling
- 100 Feet from the property lines
- Is not more than 20 feet in height
- is 50 feet away from the public right of way
- Requires an all-season vegetative screening along all property lines that is 35 feet wide and at least 4 feet tall. The law also requires black or green vinyl fencing around the property as well.
- All accessory structures must have an average height of 15 feet.
- New regulations will be issued by the PSCs by July 1, 2026.

# Impacts on Local Government Zoning

- Local zoning authority is limited in several ways:
- Counties and municipalities cannot impose blanket bans on solar facilities. Where community solar projects are allowed, they must be a permitted use. (i.e., no special exception or conditional use)
- Local zoning still applies, but only to the extent it does not conflict with state-level siting rules.
- Only those generating stations that are less than 2 MW are allowed within the boundaries of Municipal Corporations, like the Town of Poolesville
- Local governments can not deny a site development plan that meets the state siting standards, and the local jurisdictions must expedite the review and approval of plans that meet state standards.

# Impacts on Zoning Continued

- The Act does not supplant routine local environmental, safety, or construction permits. PU § 7-207(h)(1) explicitly grants counties and municipalities the authority to "approve or deny any local permit required under a [CPCN]," but the locality must act within 90 days of the PSC's CPCN issuance (or 180 days for complex projects), or the permit is deemed approved. Examples include:
  - Grading and sediment control permits. (county permit)
  - Building permits.(county permit)
  - Stormwater management approvals. (County Permit)
  - Forest conservation plans.(Town permit)
  - Site plan approvals (administrative, not discretionary zoning variances). Town Permit

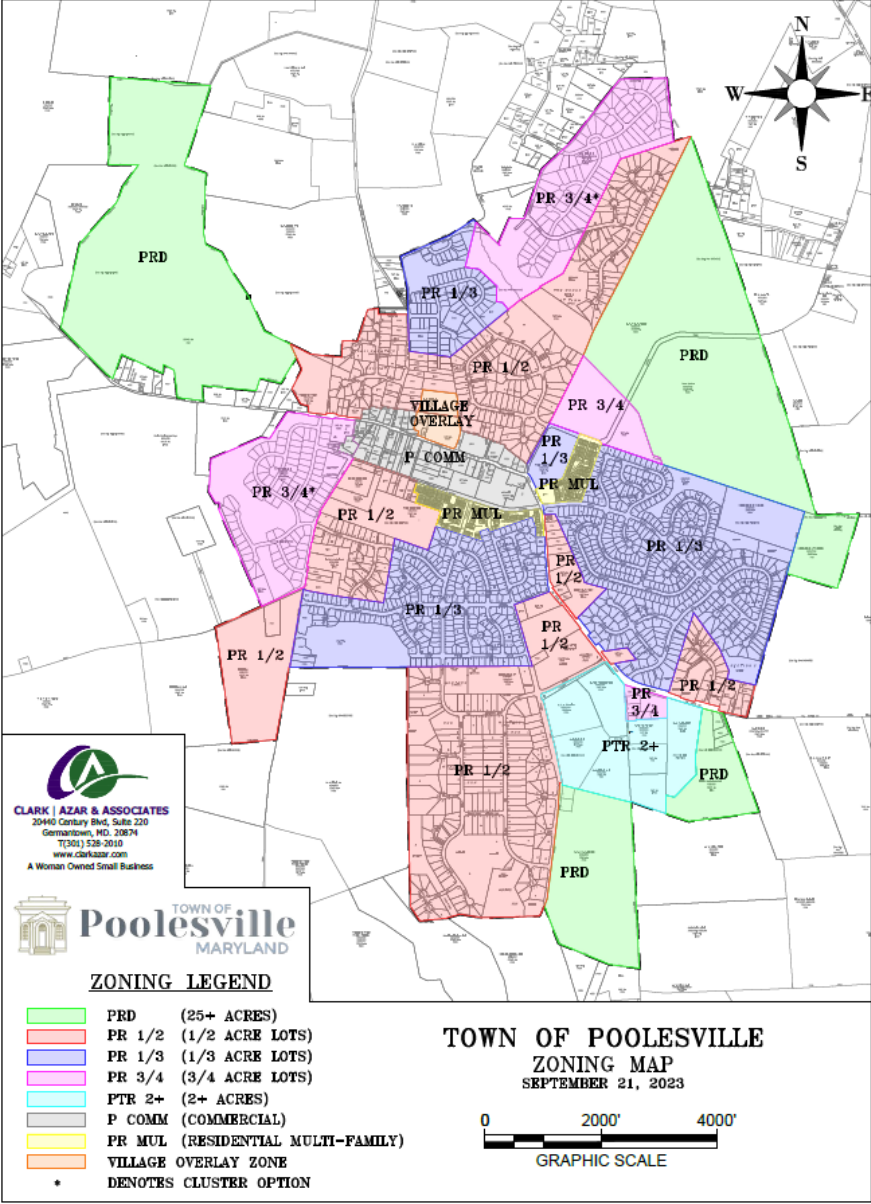
# Current Poolesville Zoning

Because Poolesville's current code only allows solar for on-site use and has no provision for off-site/community solar, a strict reading is that the Town code effectively prohibits community solar projects (which are defined in PU, § 7-306.2 and authorized to sell power off-site). The Town Attorney recommends that the Town needs a ZTA to create a permissible pathway for the use.

# Next Steps

- Amend the zoning ordinance to make it in compliance with state law.
  - Including allowing solar in one zone. The Staff recommends the Rural Density twenty-five plus (25+) acres zone (PRD) or create a new zone for the purpose of allowing these solar farms.
  - Create a process for receiving Applications and having the Planning Commission make a Recommendation to the Town Commissioners, which can then be transmitted to the Public Services Commission.
  - Create sitings standards not covered by the Act, such as lot coverage or view shed

# Current Zoning Map (PRD is in Green)



Questions?