

Public Utility Law Judge Sober has rejected the Mills Branch Solar proposal to construct a 360-acre industrial Solar installation in the middle of Kent County prime agricultural land and denied them the Certificate of Public Convenience and Necessity (CPCN) required for such a project.

The ruling issued yesterday, relied substantially on arguments put forward by Kent County Commissions and planners and Kent Conservation and Preservation Alliance (KCPA, formerly Keep Kent Scenic) that supported the principles that underlie Kent County Land Use Ordinances and uphold the County's Comprehensive Plan.

Although not all of the arguments prevailed concerning the Public Service Commission's (PSC) power to preempt local government decisions the denial of the CPCN to Mills Branch Solar's application to put an industrial solar array on land not specifically zoned for this purpose is a positive. This decision reflects the judge's agreement with Kent County's and KCPA's argument that this project does not comply with "a reasonable application of land use policies that are based upon local knowledge of what is best policies for citizens of Kent County". This project fails to promote economic benefits and would have a negative impact on "esthetics" and "historic sites".

KCPA's Board of Directors is extremely appreciative of the leadership that the Kent County Commissioners and the Kent County Department of Planning and Zoning took in defending local zoning and of the support provided by the Office of the People's Council. This ruling signals that large industrial energy projects, whether renewables or otherwise must respect the basic policy decisions made by Maryland counties to designate area within the County that are unsuitable for large scale industrial projects while providing ample alternative space for such projects.

We hope to work with other stakeholders going forward to make sure that renewable energy projects proceed in Maryland in a way that uses brownfield, landfill, and Superfund-sites rather than productive farmland and that Local Land Use Ordinances, where thoughtfully crafted, are respected.