

RESOLUTION # 2023-011

TEMPORARY MORATORIUM ON BATTERY ENERGY STORAGE SYSTEMS

A RESOLUTION TO ADOPT A TEMPORARY MORATORIUM ON BATTERY ENERGY STORAGE SYSTEMS (HEREINAFTER “BESS”) IN CAROLINE COUNTY FOR A PERIOD OF ONE (1) YEAR PENDING CONSIDERATION AND ADOPTION OF SUCH LEGISLATION AS THE COUNTY COMMISSIONERS MAY CONSIDER ADVISABLE TO PROMOTE PUBLIC HEALTH, SAFETY, AND WELFARE.

WHEREAS, the County Commissioners of Caroline County, Maryland (the “County Commissioners”) are authorized under the Local Government Article and the Land Use Article of the Annotated Code of Maryland to enact and administer zoning and land use ordinances and a Comprehensive Plan;

WHEREAS, the County Commissioners, pursuant to Local Government Article Sections 10-324 and 10-328 of the Annotated Code of Maryland, have the power to enact local laws relating to zoning and planning to protect and promote public safety and health, and to provide for the prevention, abatement, and removal of nuisances;

WHEREAS, the County Commissioners desire to review the Comprehensive Plan and the Public Local Laws of Caroline County, Maryland to consider BESS facilities throughout the County for public safety concerns associated with these facilities;

WHEREAS, the County Commissioners desire to impose a one (1) year moratorium to that may be contrary or hostile to such goals; and

WHEREAS, completion of this process is anticipated to occur within the one (1) year period to allow the results of their studies and their recommendations to be considered by the County Commissioners in connection with enactment of legislation on this subject.

NOW, THEREFORE, BE IT RESOLVED by the County Commissioners for Caroline County, Maryland, that:

1. *Moratorium established.* A temporary moratorium on the issuance of permits for approval and construction of BESS facilities in Caroline County shall be and is hereby established for a period of one (1) year from and after the adoption of this Resolution.
2. *Purpose.* The purpose of this Moratorium is to protect the public health, safety and welfare of the residents of Caroline County and visitors to the County.
3. *Study, recommendations, and legislation.* This temporary moratorium is established to allow sufficient time within which to complete the pending study, finalize recommendations, and enact appropriate legislation:
 - a) to promote public safety by ensuring that local Emergency response agencies have adequate equipment and personnel for any reasonably anticipated emergency at such facilities before such facilities are installed that may be contrary or hostile to such goals;
 - b) to develop suggestions to minimize any adverse effects or impacts to public health and property
 - c) Installation of BESS facilities in the County;
 - d) to consider restrictions on the siting of BESS facilities in the County;

- e) to obtain such expert advise and assistance as necessary;
 - f) to consider such other matters as the Planning Commission or County staff deem appropriate.
4. *New and pending applications.* The County hereby declares a one (1) year moratorium on the application for new BESS facilities in Caroline County. For the period of one (1) year immediately following the effective date of this Resolution, the County, the Planning Commission, the Board of Zoning Appeals, the Planning and Codes Department and the Zoning Administrator shall not permit, accept, process, interpret, deliberate upon, decide or approve any application for the installation of BESS facilities subject to this Resolution.
 5. This moratorium shall apply to all currently pending and future applications for BESS facilities located in Caroline County, MD.
 6. *Effective date.* This temporary moratorium shall be effective upon adoption of this Resolution.
 7. *Authority.* This Resolution was adopted in accordance with the authority authorized under the Local Government Article and the Land Use Article of the Annotated Code of Maryland.

AND BE IT FURTHER RESOLVED that staff, Boards and Commissions are directed and requested to act in a manner consistent with the provisions of this moratorium regarding the activity covered herein;

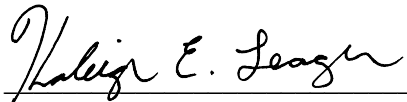
AND BE IT FURTHER RESOLVED that nothing in this Resolution 2023-011 shall be interpreted as waiving, or in contradiction of, any authority or power existing in or granted to the County Commissioners of Caroline County, Maryland to institute such a moratorium at any time, or extend such moratorium, to protect the health, safety, and

welfare of the County and its residents, and that to the extent of such power, this moratorium shall be effective immediately.

ADOPTED/EFFECTIVE: June 13, 2023

ATTEST:

**COUNTY COMMISSIONERS
OF
CAROLINE COUNTY,
MARYLAND**

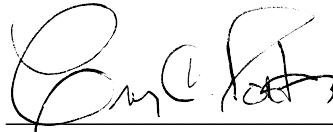


Kaleigh Leager
Executive Assistant

(SEAL)



J. Travis Breeding, President



Larry C. Porter, Vice President



N. Franklin Bartz, Member

Approved for Legal Sufficiency:



Stewart Barroll, County Attorney