

# Exhibit # 4



## DEPARTMENT OF PERMITTING SERVICES

Marc Elrich  
County Executive

Mitra Pedoeem  
Director

August 9, 2022

Jeffrey Ferrel  
Vice President Business Operations  
Terra Innovations, Inc.

Re: Initial Zoning Assessment Regarding Dickerson Power Plant Redevelopment

Dear Mr. Ferrel,

Pursuant to our recent meeting and discussions related to the redevelopment of the Dickerson Power Plant, DPS can confirm several zoning determinations as they relate specifically to your descriptions of proposed uses in the Agricultural Reserve lands of that property. Should there be changes in the descriptions of the uses, DPS would need to reassess the below categorizations of the uses.

Based on your description and use of the Data Centers, we concur that a Cable Communications System, as defined in our Zoning Ordinance (see below), would be the most appropriate way to categorize that use. Understanding that this will require Conditional Use approval by the Hearing Examiner.

### **A. Cable Communications System**

#### **1. Defined**

*Cable Communications System means an arrangement of antennas, cables, amplifiers, towers, microwave links, lines, wires, waveguides, laser beams, satellites, or any other conductors, converters, equipment, or structures designed, constructed and operated with the purpose of producing, transmitting, receiving, amplifying, storing, processing, or distributing audio, video, digital or other forms of electronic or electrical signals, programs and services in which the signals are distributed by wire or cable to subscribing members of the public. Cable Communications System does not include any similar system with cables that do not touch public rights-of-way and that serve only the occupants of a single property of land under common ownership or management.*

Based on your description and uses for both Battery Energy Storage Systems (BESS) and Energy Storage Systems (ESS), we concur that a Public Utility Structure, as defined in our Zoning Ordinance (see below), would be the most appropriate way to categorize that use. This use would also require Conditional Use approval from the Hearing Examiner.

### **E. Public Utility Structure**

#### **1. Defined**

*Public Utility Structure means a utility structure other than transmission lines or pipelines. Public Utility Structure includes structures for the occupancy, use, support, or housing of switching equipment, regulators, stationary transformers, and other such devices for supplying electric service or other public utilities.*



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Lastly, Solar Collection Systems are conditionally permitted in the AR zone. However, they are limited to 2MW or less (see below). Your proposals would require a change in the present law.

## ***Solar Collection System***

### ***A. Defined***

*Solar Collection System means an arrangement of panels or other solar energy devices that provide for the collection, inversion, storage, and distribution of solar energy for electricity generation, space heating, space cooling, or water heating. A Solar Collection System includes freestanding or mounted devices. Solar Collection Systems are facilities that comply with the requirements of the State's net metering program under Maryland Code §7-306, COMAR 20.50.10, and COMAR 20.62, including Community Solar Energy Generating Systems, Aggregate Net Energy Metering Systems, and projects limited to a percentage of on-site energy use. A Solar Collection System larger than 2 megawatts (AC) is prohibited in the Agricultural Reserve Zone.*

If you have any further questions or need for assistance, please don't hesitate to reach out to us again.

Best regards,



James G. Nichols  
Manager, Z&CCS  
Zoning and Code Compliance Division

cc: Victor Salazar, Division Chief Z&CC