



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

3430 Courthouse Drive

Ellicott City, Maryland 21043

410-313-2350

Voice/Relay

Valdis Lazdins, Director

FAX 410-313-3467

HOWARD COUNTY AGRICULTURAL LAND PRESERVATION BOARD September 25, 2017

Staff Report

Owners: Triple Creek Farm Properties LLC
c/o Theresa Stonesifer
12865 Route 144
West Friendship, MD 21794

Farm Location: 12855 Route 144
Tax Map 15, Parcel 74; +/- 97.11 acres

Easement Designation: Howard County Easement HO-89-07-E

Request: Review and comment of Triple Creek Farm proposed Commercial Solar Facility

Recommendation: No recommendation at this point.

Summary:

Triple Creek Farm Properties, LLC is the current owner of the subject property, which was placed in the Howard County Agricultural Land Preservation Program (ALPP) program on December 1, 1989 by James and Ann Hudson. The current request is for the ALPB to review the proposed commercial solar facility (CSF) and provide any feedback regarding consistency with the ALPB Commercial Solar Facility policy. The Board is not being asked for formal review and recommendation of approval at this time because the Conditional Use Plan is not available yet. The applicant is only seeking advisory comments. The formal review will occur at the November 27 meeting, once the Conditional Use Plan has been submitted.

Background

In October 2016, the Howard County Council approved legislation to amend the Zoning Regulations to allow CSFs of up to 75 acres on properties in the ALPP. Council Bill 59-2016 requires the ALPB to provide advisory comments for Conditional Use Petitions for CSFs prior to submission to the County. The ALPB's recommendation is based on whether a proposal meets the following criteria, as set forth in Section 131 of the Howard County Zoning Regulations:

1. "The siting of the CSF on the parcel or parcels is an ancillary business which supports the economic viability of the farm, or
2. The siting of the CSF on the parcel or parcels supports the primary agricultural purpose of the easement property."

In its recently created Commercial Solar Facilities policy, the ALPB developed standards of review to determine if each proposal meets one or both of the aforementioned criteria. Pursuant to the policy, the Board will apply the following standards to the CSF Conditional Use Petition criteria:

1. In determining if the CSF is ancillary to the primary farming operation, the commercial solar operational area must be equal to or less than 34% of the Property's size. The commercial solar operational area is defined as the entire area of the CSF (including any equipment, spacing, structures or other uses that support the CSF) and any new roads that must be constructed in order to access the CSF. Existing roads being used to access the new facility are not included within the 34% operational area (i.e. existing dirt, gravel, or paved farm lanes).
2. In determining if the siting of the CSF supports the primary agricultural purpose of the Property, the portion not included in the commercial solar operational area must have a soils capability of more than 50% USDA Classes I-III and more than 66% USDA Classes I-IV.

Other standards the ALPB may consider include:

1. If possible, the prescribed landscape buffer should be placed within the 50-foot conditional use setback. Landscaping should only be required alongside public road frontage, and not along sidelines or the Property's interior. When present, existing vegetation should be used as a landscaped buffer (i.e. hedgerows, fencerows, trees, shrubs, etc.).
2. Placement of the commercial solar operational area will minimize impact on existing environmental features (for example: Green Infrastructure Network, streams, wetlands, etc.)
3. In general, the commercial solar operational area should maintain the integrity and spirit of the Agricultural Land Preservation Program.

Staff Analysis:

The applicant has provided documentation that their proposal meets the two primary standards. The requested lease area is 32.5 acres, which is approximately 33.6% of the property size, just under the 34% maximum. Regarding the soils capability of the land not included in the solar operational area, Sun East calculated that 66.8% would be USDA Classes I-III, and 77.2% would be Classes I-IV. These percentages exceed the minimum requirements of the ALPB policy.

Staff Recommendation:

No formal recommendation at this time. The purpose of this item is to give the ALPB the opportunity to provide any feedback regarding consistency with their CSF policy.

Prepared by:



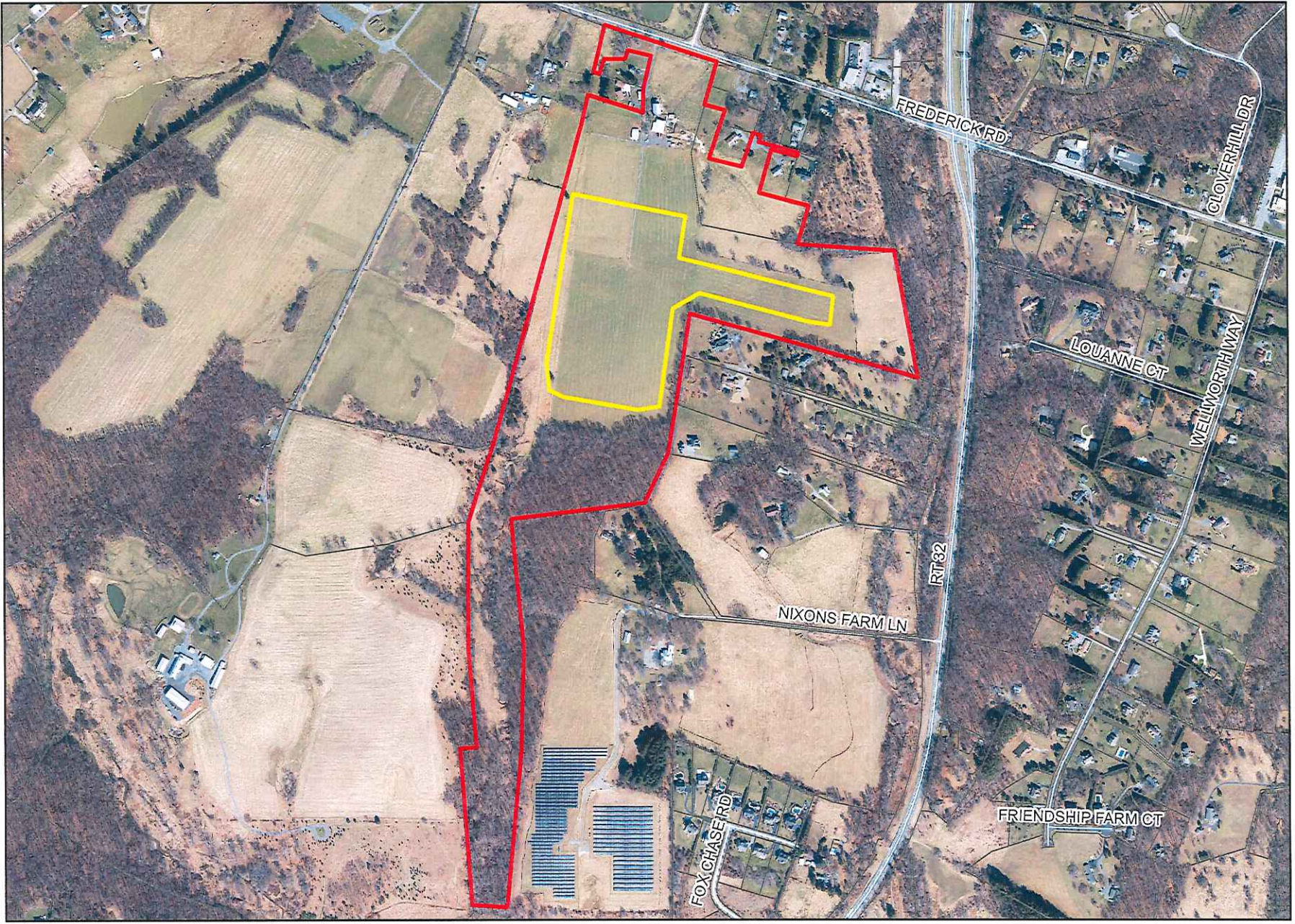
Joy Levy, Administrator
Agricultural Land Preservation Program

Date:



9/21/17

Attachments:

- Aerial Photo
- Preservation Map
- Soils Map
- ALPB Commercial Solar Facilities policy
- Letter from Triple Creek Farm, LLC
- Letter from Reed Wills with Sun East
- Supplemental documentation and mapping from Reed Wills

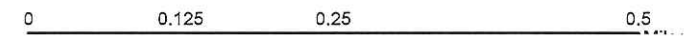


Triple Creek Farm, Tax Map 15, Parcels 74 & 258

-  Triple Creek Farm boundary
-  Commercial solar facility area

Aerial

By: Joy Levy
Resource Conservation Division
Map Width: 7,300 feet
Print Date: 09/12/2017





Agricultural Land Preservation Program Howard County, Maryland



COMMERCIAL SOLAR FACILITIES

The purpose of this policy is to explain the process by which the Agricultural Land Preservation Board (ALPB) will review applications for a commercial solar facility (CSF) on land that is encumbered with a Howard County Agricultural Land Preservation Program (ALPP) easement (“the Property”). A CSF is a collection of photovoltaic solar panels that generate electrical power by harnessing radiant light from the sun. This policy was developed pursuant to Council Bill 59-2016 (CB 59-16), which allows a CSF of up to 75 acres in size on ALPP properties.

The intent of CB 59-16 is to: 1) support Policy 4.12 of *PlanHoward 2030*, which calls for the County to develop an energy plan that prepares for different future energy scenarios, examines options for various kinds of future energy sustainability, promotes conservation and renewable resources, and sets targets to reduce greenhouse gases, and 2) to help ensure that Howard County’s farms remain economically viable into the future through diversification, to the benefit of both farmers and county residents.

CB 59-16 requires the ALPB to provide advisory review of Conditional Use Petitions for CSFs prior to submission to the County. The ALPB is required to provide a recommendation as to whether a proposal meets the following criteria, as set forth in Section 131 of the Howard County Zoning Regulations:

1. “The siting of the CSF on the parcel or parcels is an ancillary business which supports the economic viability of the farm, or
2. The siting of the CSF on the parcel or parcels supports the primary agricultural purpose of the easement property.”

In order to fairly and consistently review CSF proposals, the ALPB developed standards of review to determine if each proposal meets one or both of the aforementioned criteria. The following policy outlines the ALPB review process and lists the standards developed by the ALPB to be applied during review of a CSF Conditional Use Petition.

POLICY: Upon submission of a CSF proposal, the ALPP Administrator will prepare a technical analysis and ensure that all necessary information is available for the ALPB to review each criteria. The ALPP Administrator will present the proposal to the ALPB for consideration.

The ALPB will apply the following standards of review to the CSF Conditional Use Petition criteria:

1. In determining if the CSF is ancillary to the primary farming operation, the commercial solar operational area must be equal to or less than 34% of the Property’s size. The commercial solar operational area is defined as the entire area of the CSF (including any equipment, spacing, structures or other uses that support the CSF) and any new roads that must be constructed in order to access the CSF. Existing roads being used to access the new facility are not included within the 34% operational area (i.e. existing dirt, gravel, or paved farm lanes).
2. In determining if the siting of the CSF supports the primary agricultural purpose of the Property, the portion not included in the commercial solar operational area must have a soils capability of more than 50% USDA Classes I-III and more than 66% USDA Classes I-IV.

Other standards the ALPB may consider include:

1. If possible, the prescribed landscape buffer should be placed within the 50 foot conditional use setback. Landscaping should only be required alongside public road frontage, and not along sidelines or the Property's interior. When present, existing vegetation should be used as a landscaped buffer (i.e. hedgerows, fencerows, trees, shrubs, etc.).
2. Placement of the commercial solar operational area will minimize impact on existing environmental features (for example: Green Infrastructure Network, streams, wetlands, etc.)
3. In general, the commercial solar operational area should maintain the integrity and spirit of the Agricultural Land Preservation Program.

SUBMISSION REQUIREMENTS:

Petitioners must submit the following to the ALPP Administrator for review by the Agricultural Land Preservation Board:

1. A copy of the Agricultural Land Preservation Program Easement
2. A copy of the current Soil Conservation and Water Quality Plan¹
3. A copy of the proposed Conditional Use Plan
4. A Soil Classification Analysis Map & Table (see below)

The Soil Classification Analysis Map must include the following:

1. An aerial map featuring the layout of the commercial solar operational area scaled appropriately to include the Property boundaries.
 - a. Label the size (in acres) of the commercial solar operational area, and the remaining balance of the Property.
 - b. Label any applicable access roads as to whether they are new or existing.
 - c. Include and label any environmental features.
2. The soil classes within the portion of the Property not included in the commercial solar operational area. Soils must be organized by Capability Classes I to IV, as outlined in the *Soil Survey of Howard County*.

The Soil Classification Analysis Table should include the following:

1. Calculate and show the total percentage of the portion of the Property not included in the commercial solar operational area containing USDA Soil Capability Classes I, II, & III, AND Classes I, II, III, & IV.
 - a. Include the acreage and percentage makeup of each class present within the portion of the Property not included in the commercial solar operational area.
 - b. Include the total sum for Classes I, II, & III, AND Classes I, II, III, & IV.

Please refer to the Commercial Solar Facility Application Submittal Procedure and Checklist for additional information on how to submit a CSF request to the Board.

This Policy is applied exclusively to County agricultural preservation easement properties (ALPP Purchased and ALPP Dedicated), as set forth in Section 106.1 of the Howard County Zoning Regulations.

For More Information

Joy Levy, Agricultural Land Preservation Program Administrator
jlevy@howardcountymd.gov or 410-313-5407

¹ County Code §15.512 requires a current Soil Conservation and Water Quality Plan, prepared by the Howard Soil Conservation District, for any ALPP property.

Sept. 20, 2017

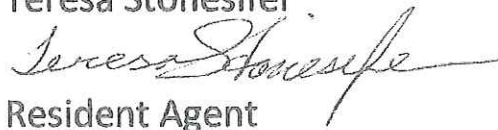
To: Howard County Agriculture Preservation Bd. and DPZ

We are submitting this proposal for a solar facility on our farm to produce green energy along with our Beef Cattle operation. This includes rotational grazing, custom fed beef, show stock and timber harvesting. This proposal is with Suneast Development in cooperation with Triple Creek Farm Properties LLC.

Our farm borders an existing solar farm and is extremely close to the BGE substation, making it the perfect fit for the newly passed bill by the Howard County Council allowing it on Preserved Farms. We look forward to presenting our plans and working with you.

Triple Creek Farm Properties LLC.
12855 Frederick Rd.
West Friendship, MD 21794

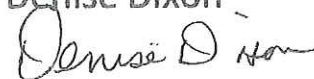
Teresa Stonesifer



Resident Agent

Member

Denise Dixon



Member

Marcia Haas

From: Reed Wills <reed.wills@suneastpower.com>
Sent: Thursday, August 31, 2017 3:30 PM
To: jlevy@howardcountymd.gov
Cc: stone1982sifer; Tom Meachum; Rich Squadron; Marcia Haas
Subject: ALPB Submission of Project Information for Triple Creek Solar
Attachments: Triple Creek AgPres Easement 1989.pdf; Triple Creek Soil Conserv Plan.pdf; Triple Creek Layout.071017.pdf; Triple Creek Solar.Soils Analysis for 092517 APLB Mtg.pdf

Flag Status: Flagged

Joy,

As a follow up to our July 10 meeting, SunEast Development LLC ("SunEast") is providing information to the Howard County Agricultural Land Preservation Board ("ALPB") regarding its proposed 32.5 acre solar project at the Triple Creek Farm. The Triple Creek Farm operates under a 1989 agricultural preservation easement with Howard County, and payments are still being made under the associated Installment Purchase Agreement dated December 1, 1989.

SunEast has been an active solar developer in Howard County, and has closely followed and supported the Howard County CB59-2016 legislation. Following the passage of that legislation, SunEast was an active participant during the ALPB meetings in which the current commercial solar policy was established. SunEast also had the opportunity to meet with you and Geoff Goins to discuss our project in July.

Howard County DPZ published a policy statement in April of this year stating that DPZ would not process permit applications for commercial solar projects that were on property with agricultural preservation easements that had outstanding installment payments remaining. We understand that policy is currently under review and may be amended. Based on that understanding, SunEast is making this submission to the ALPB in the hope that the ALPB staff will review and report to the ALPB on our project and that SunEast will have the opportunity to make a presentation, and secure ALPB feedback, at your upcoming September 25 meeting.

Due to the uncertain status of the DPZ policy on projects with an Installment Purchase Agreement with remaining payments, we are providing with this e-mail a near complete, but not fully complete, package of information with respect to SunEast's project. Our attachments are:

1. A copy of the recorded Agricultural Preservation Deed of Easement for the property
2. A copy of the latest Soil Conservation and Water Quality Plan
3. A Preliminary Site Layout (as opposed to the full Conditional Use Plan)
4. A presentation of Soil Classification Analysis Map and Calculation Table

Triple Creek Solar Project

ALPB Commercial Solar Policy – Soil Analysis

COMPLIANCE STUDY FOR SOLAR

Soil Class	Solar Area (Est.)		Parcel Balance		
	Share	Acreage	Share	Cum Share	Acreage
Class 1	18.5%	6.0	5.0%		3.2
Class 2	18.5%	6.0	35.2%		22.5
Class 3	63.1%	20.5	26.6%	66.8%	17.0
Class 4	0.0%	0.0	10.3%	77.2%	6.6
< Class 4	0.0%	0.0	22.8%	100.0%	14.6
Total	100.0%	32.5	100.0%		63.8

SunEast Summary of Soil Analysis

- 96.3ac Property, 32.5ac Solar Area, 63.8ac Remaining

Note: 96.6 acres in deed, but USDA map came up as 96.3ac

- Triple Creek Property after subtracting Solar Area
 - 66.8% of soils are Class 3 or better
 - 77.2% of soils are Class 4 or better
- Triple Creek Solar appears to meet the ALPB Soil Criteria

Triple Creek Solar Project

ALPB Commercial Solar Policy – Ancillary Use

POLICY: Upon submission of a CSF proposal, the ALPP Administrator will prepare a technical analysis and ensure that all necessary information is available for the ALPB to review each criteria. The ALPP Administrator will present the proposal to the ALPB for consideration.

The ALPB will apply the following standards of review to the CSF Conditional Use Petition criteria:

1. In determining if the CSF is ancillary to the primary farming operation, the commercial solar operational area must be equal to or less than 34% of the Property's size. The commercial solar operational area is defined as the entire area of the CSF (including any equipment, spacing, structures or other uses that support the CSF) and any new roads that must be constructed in order to access the CSF. Existing roads being used to access the new facility are not included within the 34% operational area (i.e. existing dirt, gravel, or paved farm lanes).

- Triple Creek Farm totals 96.6 acres
- Solar Project lease is 32.5 acres
- Solar Project utilizes $32.5/96.6$ or 33.64% of Triple Creek Farm

Solar Project is in compliance with ALPB Criteria 1

Triple Creek Solar

SunEast Development

West Friendship, Howard County, MD

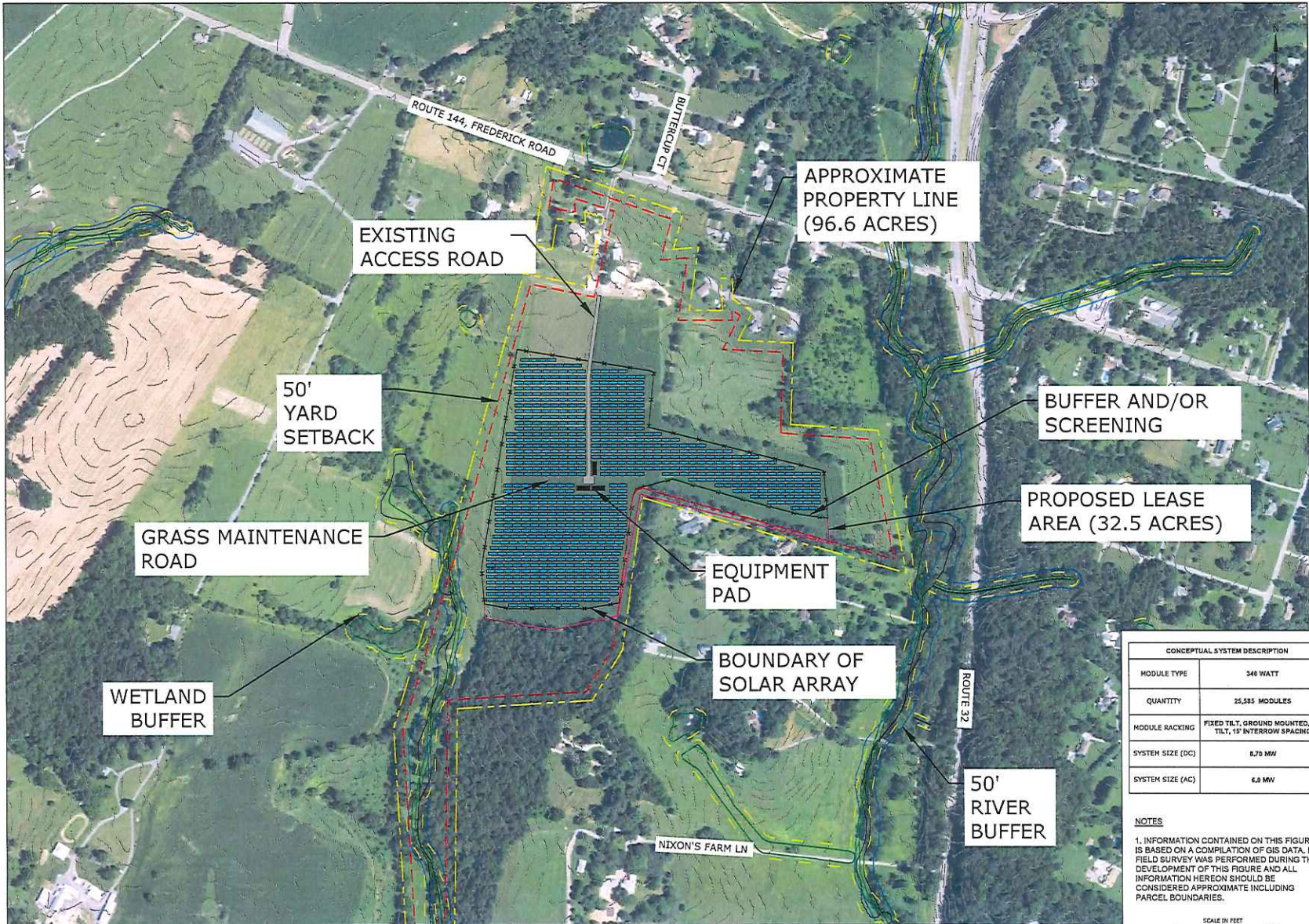
VERIFY SCALE
BAR IS 1 INCH ON ORIGINAL DRAWING
IF NOT ONE INCH ON THIS SHEET, ADJUST SCALES ACCORDINGLY

MARK	DATE	DESCRIPTION
PROJECT NO:	PH097	
DATE:	06/21/2017	
TITLE:	Site/Prop/Plan	
DRAWN BY:	KT	
CHECKED:	DGH	
APPROVED:	DGH	

PROPOSED CONDITIONS - LARGE SCALE

SCALE: 1" = 250'

FIGURE 1



CONCEPTUAL SYSTEM DESCRIPTION	
MODULE TYPE	340 WATT
QUANTITY	25,885 MODULES
MODULE RACKING	FIXED TILT, GROUND MOUNTED, 25° TILT, 15' INTERROW SPACING
SYSTEM SIZE (DC)	8.70 MW
SYSTEM SIZE (AC)	6.8 MW

NOTES
1. INFORMATION CONTAINED ON THIS FIGURE IS BASED ON A COMPILATION OF GIS DATA. NO FIELD SURVEY WAS PERFORMED DURING THE DEVELOPMENT OF THIS FIGURE AND ALL INFORMATION HEREON SHOULD BE CONSIDERED APPROXIMATE INCLUDING PARCEL BOUNDARIES.



Last Saved: 2/16/2017
 Printed On: 06/21/2017 10:00:00 AM
 Project: 097 - Triple Creek Solar/Prop/Plan