



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

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Ellicott City, Maryland 21043

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Voice/Relay

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HOWARD COUNTY AGRICULTURAL PRESERVATION BOARD

November 23, 2020

Staff Report

Owners: BRAG, LLC
PO Box 7
Dayton, MD 21036

Farm Location: 13825 Howard Road, Dayton
Tax Map 28, Parcel 13, PAR A; 50.55 +/- acres

Easement Designation: Howard County easement HO-91-15-E(S1)

Request: Review of BRAG's proposed Commercial Solar Facility

Summary:

BRAG, LLC is the current owner of the subject property, which was placed in the Howard County Agricultural Land Preservation Program (ALPP) on August 15, 1991 by Clyde and Dorothy Brown. The current request is for the APB to provide advisory review of the proposed commercial solar facility (CSF) regarding consistency with the APB Commercial Solar Facility policy.

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 APB to provide advisory comments for Conditional Use Petitions for CSFs prior to submission to the County. The APB'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."

The APB subsequently developed standards of review in its Commercial Solar Facilities policy 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 a maximum of 10 acres or 10% of the Property's size, whichever is less. 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 10% 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 60% USDA Classes I-III and more than 66% USDA Classes I-IV.

Other standards the APB 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 current APB policy regarding maximum acreage coverage is 10% or 10 acres, whichever is less. The requested lease area totals 10.84 acres, which is approximately 21.4% of the overall property size.

Regarding the soils capability of the land not included in the solar operational area, approximately 97.5% would be USDA Classes I-III. This percentage exceeds the minimum requirements of the APB policy of 60% Classes I-III and 66% Classes I-IV.

Prepared by:



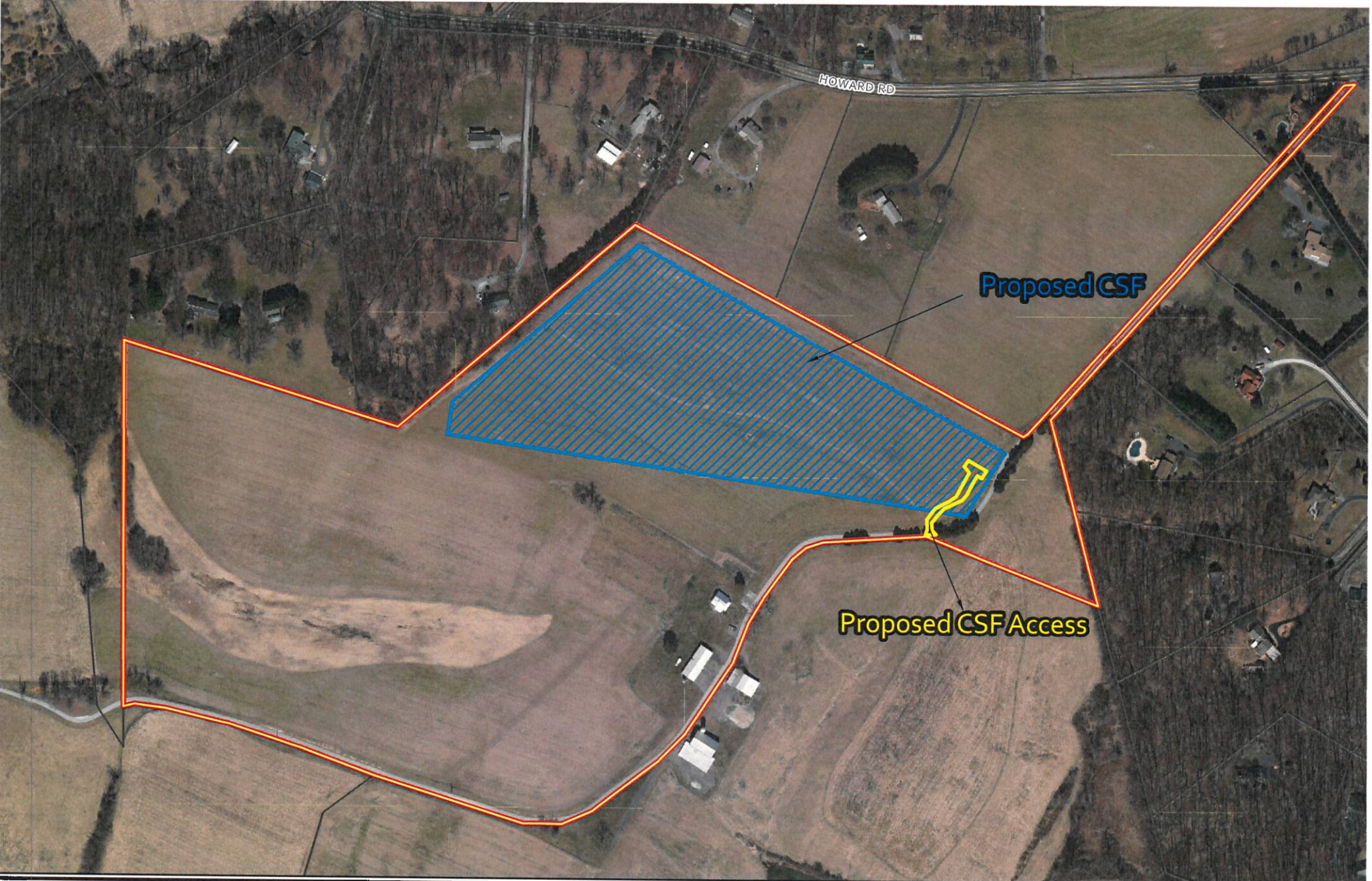
Joy Levy, Administrator
Agricultural Land Preservation Program

Date:

11/16/20

Attachments:

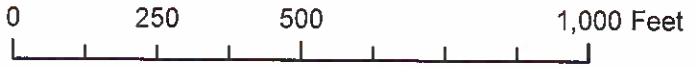
- Aerial Photo
- Preservation Map
- Soils Map
- APB Commercial Solar Facilities policy
- Letter from BRAG, LLC
- Supplemental documentation and mapping from Vogel Engineering



BRAG, LLC
13825 Howard Road
Dayton, MD 21036
Tax Map: 28 Parcel(s): 13A

Aerial






 property



Howard County Department of Planning & Zoning
Resource Conservation Division
November 5, 2020

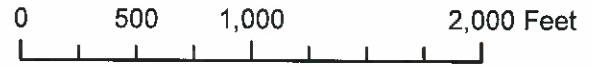




 property
Protected Lands
 Forest Conservation Easements
 Non-County Open Space
Preservation Easements
 Environmental Preservation Parcels
 Howard County Purchased Easements
 Maryland Agricultural Land Preservation Easements

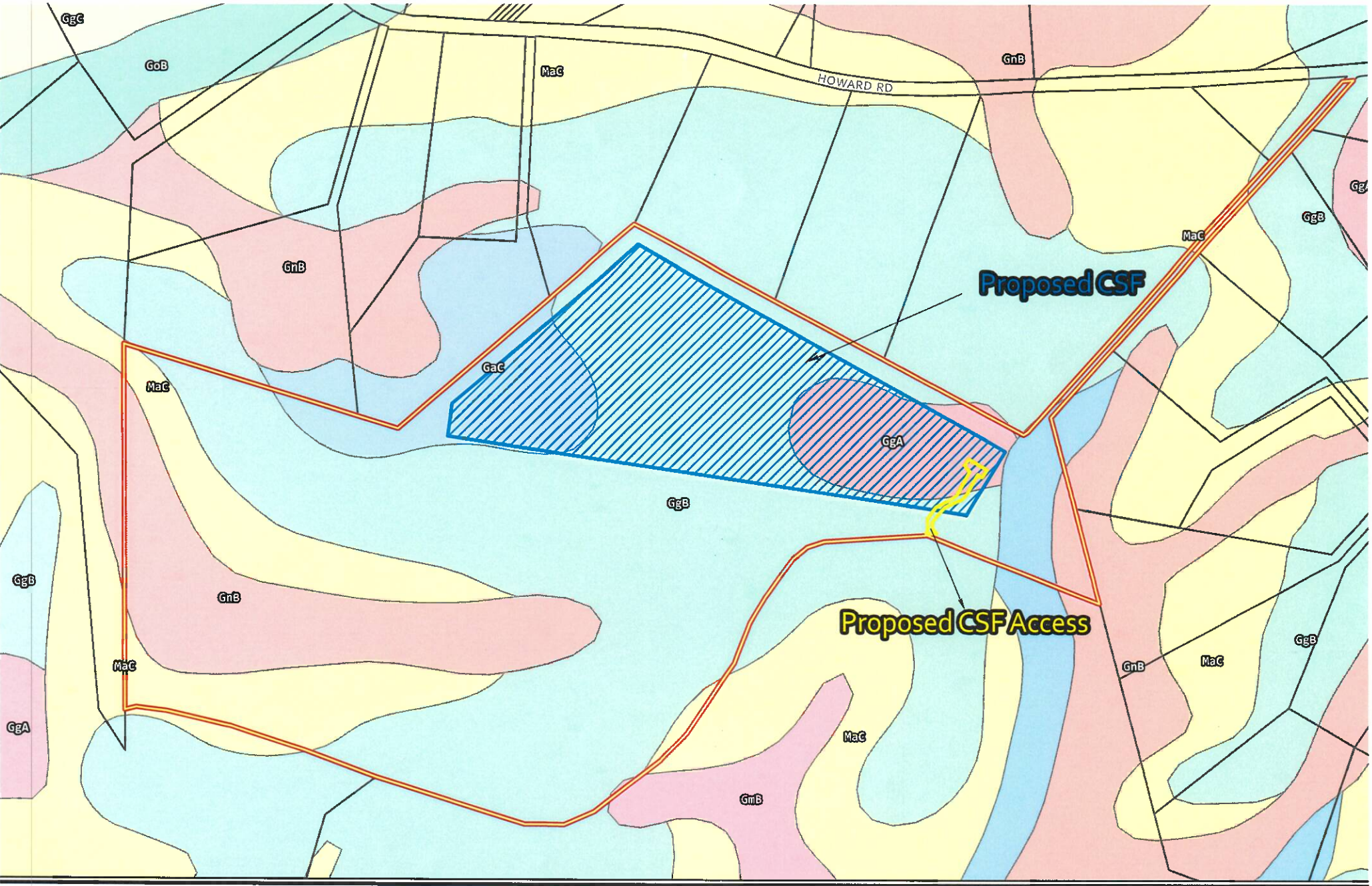
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Protected Lands



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Soils
 [Orange outline] property



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 Resource Conservation Division
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Agricultural Land Preservation Program Howard County, Maryland



COMMERCIAL SOLAR FACILITIES

The purpose of this policy is to explain the process by which the Agricultural Preservation Board (APB) 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 APB to provide advisory review of Conditional Use Petitions for CSFs prior to submission to the County. The advisory review should determine 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 following policy outlines the APB review process and lists the standards developed by the APB 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 APB to review each criteria. The ALPP Administrator will present the proposal to the APB for consideration.

The APB 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 a maximum of 10 acres or 10% of the Property’s size, whichever is less. 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 10% 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 60% 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 and the applicant must demonstrate that they are making a good faith effort regarding the placement of the CSF, with the least impact on soils, slopes and existing agricultural operations.

SUBMISSION REQUIREMENTS:

Petitioners must submit the following to the ALPP Administrator for review by the Agricultural 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.