



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

August 26, 2019

Staff Report

Owners: MHGH&S, LLC
c/o George Streaker
13540 Route 144
West Friendship, MD 21794

Farm Location: North side of Route 144, adjacent to the Howard County Fairgrounds
Tax Map 15, Parcel 146; 83 +/- acres.

Easement Designation: Howard County easement #HO-90-17-E

Request: Review of MHGH&S's proposed Commercial Solar Facility

Summary:

MHGH&S, LLC is the current owner of the subject property, which was placed in the Howard County Agricultural Land Preservation Program (ALPP) on October 5, 1990 by Streaker Farm, Inc. 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 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 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 applicant has provided documentation that their proposal meets the two primary standards. The requested lease area is 27.11 acres, which is approximately 32.6% of the property size, below the 34% maximum. However, on October 27, 2016 the Howard County Board of Appeals approved a Conditional Use for Bulk Firewood Processing on 4.08 acres located at 13300 and 13370 Frederick Road (with approximately 2 acres on each property). The firewood processing Conditional Use is subject to, and complies with, the 2% cumulative use cap for Conditional Uses on ALPP properties. Prior to establishing the use, an Environmental Concept Plan (ECP) and Site Development Plan (SDP) must be approved. DPZ is currently reviewing the ECP, which contains conceptual design stormwater management, erosion and sediment control and delineation of environmental features. The proposed Commercial Solar Facility is not subject to any use cap and can be approved as an additional Conditional Use on the same site.

Since the APB's solar policy does not factor in additional Conditional Uses, the Board may want to consider excluding the acreage associated with the Firewood Processing operation from the total acreage for purposes of the maximum coverage calculation.

Regarding the soils capability of the land not included in the solar operational area, 90.1% would be USDA Classes I-III, which significantly exceeds the minimum requirements of the APB policy of 50% Classes I-III and 66% Classes I-IV. For additional consideration, 100% of the soils within the CSF are Classes I-III.

Finally, there is an existing corn operation on approximately 70 of the 83.2 acres on the property. The CSF would remove 27.1 of the 70 acres from corn production, but the 27.1 acres would likely be planted with native pollinator habitat. The remaining 42.9 acres will stay in corn production.

Prepared by:


Joy Levy, Administrator
Agricultural Land Preservation Program

Date:

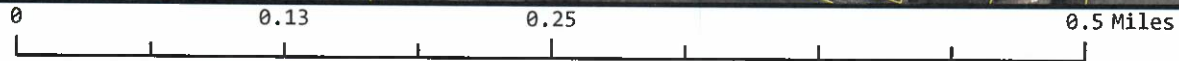


Attachments:

Aerial Photo
Preservation Map
Soils Map
APB Commercial Solar Facilities policy
Letter from MHGH&S, LLC
Supplemental documentation and mapping from Sun East Development



Aerial Overview



MHGH&S,
LLC
13300 Frederick Rd.
West Friendship, MD 21794

Tax Map: 0015
Parcel(s): 0146

Howard County Department of Planning & Zoning
Resource Conservation Division
Division of Research
August 15, 2019



Aerial imagery covers only Howard County and terminates just beyond the county boundary



Protected Lands

- Non-County Open Space
- County Open Space
- Environmental Preservation Parcels
- Howard County Agricultural Preservation Parcels
- Howard County Purchased Easements
- Maryland Agricultural Land Preservation Easements
- Maryland Environmental Trust Easement
- Forest Conservation Easements

Protected Lands

MHGH&S,
 LLC
 13300 Frederick Rd.
 West Friendship, MD 21794



Tax Map: 0015
 Parcel(s): 0146

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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 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.

MEMORANDUM

Date: August 16, 2019

From: MHGH&S, LLC

To: Howard County Agricultural Preservation Board

RE: Farm Information related to the Petition to Construct a Commercial Solar Facility

MHGH&S is working with SED PJM Holdings in an effort to permit and construct one or more Commercial Solar Facilities on our property. Approximately 70 acres of our 83 acre property is currently farmed, we begin the year growing cover crops and then plant corn. We currently use about five acres of the property for the production of firewood. If permitted, the Commercial Solar Facilities (CSF) would remove 28 acres of our 70 acres of crop production use. Our understanding is that the construction of the CSF will include the planting of native pollinator habitat on most of that 28 acre area. Over the next two to three months we will be relocating the current five acre firewood production area to an enclosed four acre firewood production area which will have two acres located on the MHGH&S Farm and two acres on the neighboring Clear View Farm.

**IN THE MATTER OF THE
PETITION OF SUNEAST
DEVELOPMENT, LLC FOR A
CONDITIONAL USE FOR A
COMMERCIAL SOLAR FACILITY**

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**BEFORE THE
HOWARD COUNTY
HEARING EXAMINER**

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AUTHORIZATION OF OWNERS

MHGH&S, LLC, owner of 13300 Route 144, West Friendship, MD 21794, hereby authorizes SunEast Development LLC to file a Conditional Use Petition for a commercial solar facility.

MHGH&S, LLC

Dated: 8-19, 2019

By:


George Streaker
Managing Member

SED PJM Holdings

Soil Classification Analysis Table

Prepared for Howard County ALPB 8/5/2019

MHGH&S Farm

Total Parcel Acreage 83.22 acres

Solar Project w/in Fenceline 27.11 acres

Howard Co ALPB Solar Policy

CSF is less than 34% of total parcel	32.6%	less than max use
Remaining Property Acreage	56.11	acres
Rem Property - 50% Soil Class >=3	90.1%	exceeds min std
Rem Property - 66% Soil Class >=4	90.1%	exceeds min std