



# Agricultural Land Preservation Program Howard County, Maryland



---

## COMMERCIAL SOLAR FACILITIES

---

### AGRICULTURAL PRESERVATION BOARD REVIEW POLICY

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 initially 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 was to: 1) support Policy 4.12 of *PlanHoward 2030*, which called 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.N.52 of the Howard County Zoning Regulations (linked here: [SECTION 131.0: - Conditional Uses | Zoning | Howard County, MD | Municode Library](#)):

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.

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 criterion. 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 16 acres or 20% of the Property’s size, whichever is less, up to a maximum of 2 megawatts, and the petitioner must provide substantive proof that the CSF use is ancillary to their farming operation. 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 operational area (i.e. existing dirt, gravel, or paved farm lanes).
  - a. Per Section 131.N.52 of the Howard County Zoning Regulations, the maximum size of a “Solar Collector Facility, Commercial Ground Mount” shall be 16 acres or 20%, whichever is less.

- b. However, a facility on an Agricultural Preservation Parcel can be increased to a maximum of 34% of the parcel by the Hearing Authority if the Hearing Authority finds that the use shall not interfere with farming operations or limit future farming production. The Hearing Authority shall consider the following:
  - (1)
    - a) At least 60% of the acreage outside of the ground-mount solar collector facility area is viable for a farm operation, inclusive of farm buildings needed for the farm operation; and
    - b) The remaining soils capability are more than 50% USDA Classes I—III and more than 66% USDA Classes I—IV or;
  - (2) The additional acreage above the allowable 20% for the CSF is unsuitable for farming.
- 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.
- 3. In addition, at least one of the following will be required in conjunction with the CSF:
  - a. Pollinator or native grass habitats;
  - b. Livestock grazing, such as sheep;
  - c. Agrivoltaics (i.e. crop production under or directly adjacent to an installation, edible landscape barriers, tree crops);
  - d. Other suitable alternatives, as proposed by the applicant.
- 4. In addition, the petitioner must be an owner operator. In farming, an "owner operator" refers to a person who both owns the farmland and actively manages its operations, meaning they are responsible for all aspects of running the farm, including planting crops, raising livestock, and making day-to-day decisions, essentially being both the landowner and the farmer on their own land; unlike situations where a landowner might lease their land to a separate operator to run the farm.

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.

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.