

Howard County Solar Task Force Meeting – 2/4/2020

Minutes and Action Items

Attendees

Members: Jamie Brown; Cathy Hudson; Kevin Lucas; Franny Yuhas; Amber Butler; Leah Miller; James Zoller; Joy Levy; Howie Feaga (Alternate), John Dove; Kelly Hensing; Cory Ramsden (Alternate)

Presentation: Role of Agricultural Land Preservation Board in Application Process for Commercial Solar Facilities

Joy Levy explained the role of the Agricultural Land Preservation Board (ALPB) in reviewing applications for Commercial Solar Facilities (CSF). CB 59-16 requires the ALPB to provide advisory review of Conditional Use Petitions for CSF 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.”

The ALPB developed standards of review to determine if each proposal meets one or both above criteria. Joy explained the ALPB’s current and past CSF policy.

ALPB considered six proposals for Commercial Solar Facilities under its original policy. The ALPB after giving advisory comments on these six proposals developed concerns with their CSF policy. The board had concerns with placement of the solar panels on prime agricultural land in the middle of farms, CSF not placed on sloped or marginal agricultural ground, and CSF not supporting the primary agricultural purpose of the easement. In September 2019, ALPB revised its policy to address these concerns. ALPB members expressed an interest in further revising their policy and asked for recommendations from this Task Force.

Current Policy

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 the lesser of 10% of the Property’s size or 10 acres. 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.
4. The applicant shall demonstrate that the CSF is not sited on the most tillable land.
5. The applicant must make a good faith effort at minimum disruption to the agricultural operation.

Former Policy

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.

Discussion and Questions

Task Force members agreed that the role of the ALPB in the CSF application process should remain the same and that the Task Force should develop recommendations to ALPB on how to further revise their policy. The Task Force members agreed that ALPB policy should be reasonable and beneficial both to landowners/farmers and the solar company, while meeting the criteria set forth in Section 131 of the Howard County Zoning Regulations.

Action Items

- Present additional information on conditional use parameters. (Joy)
- Provide information about total number of properties in the agricultural preservation and the number of agricultural preservation properties over and under 100 acres. (Joy)
- Share a link to the state's tool that shows interconnection lines and other geographic layers. (Franny)
- Share information on standard industry practices regarding decommissioning bonds, as well as provide examples of what Montgomery County and other local jurisdictions require regarding decommissioning bonds. (Franny)
- Verify whether solar panels can go onto County parkland, including lands purchased with state Open Space funds. (Leah)
- Verify whether Soil Conservation District can update soil conservation plans with the CSF stormwater plan overlays when applicable. (John)