



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 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, 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).
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.

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.

REVIEW PROCESS AND SUBMISSION REQUIREMENTS:

There is a two-step APB review process. The preliminary review gives the APB an opportunity to provide guidance on the placement of the CSF and other details of the project before a solar company invests in developing the required documents for a conditional use permit. At the preliminary review phase, the petitioner should submit at least two potential CSF sites, to allow the APB an opportunity to advise on the best placement to minimize negative impacts on the farming operation.

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

1. Letter Signed by Property Owner Requesting the CSF, including:
 - a. A description of the current farming operation
 - b. The anticipated impact the CSF will have on the farming operation
 - c. Plans for the future farming operation, if any different from current
2. Soil Classification Analysis Map & Calculation Table
 - a. Applicants are asked to provide a map and calculation table for each option of the proposed project, with the soil capability classes shown on the portion of the property not included in the commercial solar operational area.
 - b. For each placement option, the Soil Classification Analysis Map must be:
 - 11" x 17" in size (10 copies).
 - Scaled appropriately to include the property boundaries and reflect the following:
 1. Label the size (in acres) of the commercial solar operational area, and the remaining balance of the property.
 2. Label any applicable access roads as to whether they are new or existing. Include new roads in the commercial solar operational area.
 3. Label any applicable environmental features (for example: Green Infrastructure Network, streams, wetlands, etc.)
 4. Show the scale in the United States customary system (feet, miles, etc.), and show the north arrow or compass, if applicable.
 - Organized by Soils Capability Classes I to IV. The soils classes may be shown using a transparent set of colors to distinguish size and location. A GIS shapefile featuring the soils data can be downloaded and viewed in the Howard County Data Download and Viewer under "Soils" at: <https://data.howardcountymd.gov/>.
 - The Green Infrastructure Network can be viewed online at [https://data.howardcountymd.gov/OLMaps/Green Infrastructure.html](https://data.howardcountymd.gov/OLMaps/Green%20Infrastructure.html). If the property has a portion of the Green Infrastructure Network, please contact Environmental Planning at 410-313-1174 for assistance.

- c. For each option, the Soil Classification Analysis Table should:
 - Calculate and show the total percentage of the portion of the property not included in the commercial solar operational area containing Capability Classes I, II, & III, AND Classes I, II, III, & IV.
 1. Include the acreage and percentage makeup of each class present within the portion of the property not included in the commercial solar operational area.
 2. Include the total sum for Classes I, II, & III, AND Classes I, II, III, & IV.
 - May be included in the Soil Classification Analysis Map, if space is available.

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

1. Deed of Easement
 - a. A copy of the Agricultural Land Preservation Program Deed of Easement for the subject property.
 - b. The Deed of Easement can be found online at <https://mdlandrec.net/>.
2. Soil Conservation and Water Quality Plan
 - a. A copy of the current Soil Conservation and Water Quality Plan for the property. The current Soil Conservation and Water Quality should be signed by all parties.
 - b. Contact the Howard Soil Conservation District at 410-313-0680 for assistance.
3. A copy of the proposed Conditional Use Plan
4. A final Soil Classification Analysis Map & Table (as described above)

Submission Procedure

Upon completion, please submit the application materials prior to the Deadline for Submission (generally 3 Mondays prior to the meeting date). Meeting dates can be viewed at <https://www.howardcountymd.gov/Departments/County-Administration/Community-Sustainability/Agricultural-Preservation-Board>. For questions or issues in completing the application procedure for CSF requests, please call 410-313-5407 for assistance.

Electronic copies should be sent to Joy Levy at jlevy@howardcountymd.gov. Paper copies should be sent by mail to the following address:

Joy Levy, Agricultural Land Preservation Program Administrator
Howard County Department of Planning & Zoning
3430 Courthouse Drive
Ellicott City, MD 21043