



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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Subject: Planning Board Recommendations

**ZRA-163 & ZRA 166 (Jonathan Weinstein, Councilperson and Binder Rock, LLC)
ZRA-164 (Calvin Ball, Councilperson)**

To: Recipients of Planning Board Recommendations

From: Toni Sieglein 
Division of Public Service and Zoning Administration

Date: May 23, 2016

Attached are the Planning Board Recommendations for ZRA-164, ZRA-163 and ZRA-166. Should you have any questions, please contact this office at 2350.

cc: Diane Wilson, Chief of Staff
Gary Kuc, County Solicitor
Paul Johnson, Deputy County Solicitor
Howard County Council
Robin Regner, Administrative Assistant to Zoning Board
Jennifer Sager, Legislative Coordinator
Theodore Wimberly – Legislative Assistant

:tms
Attachment

1 CALVIN BALL
2 PETITIONER,
3 ZRA 164

* BEFORE THE
* PLANNING BOARD OF
* HOWARD COUNTY, MARYLAND
*

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6 **MOTION:** *To recommend approval of the Zoning Regulation Amendment petition*
7 *request to amend Section 131.0 of the Zoning Regulations to allow Commercial Solar*
8 *Facilities on Agricultural Land Preservation Parcels (ALPP) and require that all Conditional*
9 *Use petitions for Commercial Solar Facilities on ALPP land be reviewed by the Agricultural*
10 *Land Preservation Board (ALPB). Also, to recommend approval of the Zoning Regulation*
11 *Amendment petition request to amend Section 106.1 to eliminate the use area restrictions*
12 *for Commercial Solar Facilities on ALPP purchased or dedicated easements, preservation*
13 *parcels created as part of a cluster subdivision process, and other dedicated easements.*
14

15 **ACTION:** *Recommended Approval; Vote 5 to 0.*

16 * * * * *

17 **RECOMMENDATION**

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19 On May 10, 2016, the Planning Board of Howard County, Maryland, considered the petition of Dr.
20 Calvin Ball, to amend Section 131.0.N.52. of the Zoning Regulations to allow Commercial Solar Facilities on
21 County Preservation Easements and require that the ALPB review all Conditional Use petitions for
22 Commercial Solar Facilities on County Agricultural Preservation Easements. The petition also requests an
23 amendment to Section 106.1 of the Zoning Regulations to eliminate the use area restrictions for Commercial
24 Solar Facilities on ALPP purchased or dedicated easements, preservation parcels created as part of a cluster
25 subdivision process, and other dedicated easements.

26
27 The Planning Board considered the ZRA Petition, the Department of Planning and Zoning (DPZ) Technical
28 Staff Report and Recommendation, comments of reviewing agencies and testimony from the public. DPZ
29 recommended approval of the petition because it corrects an oversight made during the 2013 Comprehensive
30 Zoning. Additionally, the amendment furthers the General Plan goals related to alternative energy scenarios
31 and the County General Plan goals related to alternative energy scenarios; increases the amount of land area
32 in the County available for solar facilities and their economic viability; provides an additional income stream
33 to farmers to help sustain the costs of continuing to farm their land; and offers same opportunity to owners of
34 ALPP farmers making it more economically desirable to enter the program.

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3 Petitioner Dr. Calvin Ball made the following comments:
4

- 5 • This amendment would expand economic growth, create jobs, promote environmental sustainability,
6 and support Howard County's farmers and preservation parcels.
- 7 • There is a conflict in the Zoning Regulations that must be removed, and approving this ZRA would
8 correct an oversight that happened during Comprehensive Zoning.
- 9 • He believes that it was the County Council's intent to allow development of Commercial Solar
10 Facilities on preservation parcels during Comprehensive Zoning in 2013. However, language
11 prohibiting Commercial Solar Facilities in the ALPP was never removed from the Zoning
12 Regulations.
- 13 • Howard County should promote policies that enable it to reduce energy consumption.
- 14 • This ZRA will further best practices and goals outlined in Plan Howard 2030 as well as the County's
15 2010 Climate Action Plan which encourages the use of renewable energy sources such as solar.
- 16 • Solar power is an expanding and evolving market that is worthy of investment.
- 17 • If passed, this ZRA will increase the amount of land available for solar technology development.
18 However, many eligible properties may not be suitable for a Commercial Solar Facility based on a
19 variety of factors, making the number of properties affected much lower than it appears.
- 20 • The purpose of this ZRA is to give properties that are in ALPP as many opportunities at their disposal
21 to succeed and remain economically successful, maximizing the investment in their land, while still
22 protecting the land for future generations.
- 23 • ZRA 164 will not eliminate Howard County's Preservation Program, significantly reduce the amount
24 of farmland preserved, or reduce the amount of crops grown locally.
- 25 • To ensure that those in the County that are most impacted by changes to agricultural preservation
26 understand those changes, he proposed that the Agricultural Land Preservation Board (ALPB) offer a
27 technical review and submit comments to the Hearing Examiner for Conditional Use proposals for
28 Commercial Solar Facilities.

29
30 Mr. Stefano Ratti represented Sun East Development and responded to technical questions posed by the
31 Planning Board and provided testimony in support of the proposal. Mr. Ratti stated that his company has
32 experience developing solar projects across the country. He stated that solar energy provides a net benefit to
33 the County, has low disturbance to the property, and creates clean renewable energy and jobs. Mr. Ratti also
34 stated that solar power generation can coexist with other farming activities and provides a steady source of

1 income for farmers. Mr. Ratti stated that there are natural limitations that would preclude some properties
2 from being used for a Commercial Solar Facility. These limitations include the electrical infrastructure,
3 conditional use approval, sensitive environmental features, shading, topography, and lack of interest from
4 property owners. Therefore, only a fraction of the land available for solar development can actually be used
5 for that purpose.

6
7 Mr. Walter Carson spoke in opposition to the petition.

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9 Mr. Howie Feaga, President of the Howard County Farm Bureau, Natalie Zeigler, Teresa Stonesifer,
10 Howard County Councilwoman Mary Kay Sigaty, and Don Warfield spoke in support of the petition.

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12 The Planning Board recognized that by growing crops farmers utilize the sun to make a living. They
13 also recognized that technology is progressing and the farmers should be given the ability to capitalize on new
14 opportunities to utilize the sun to make a living. The Planning Board also noted that some Commercial Solar
15 Facilities may be impossible to hide completely, however, many issues related to proximity and buffering will
16 be addressed through the Conditional Use process. The Planning Board also recognized that allowing
17 Commercial Solar Facilities on ALPP land may be the only way that some farmers will be able to continue
18 farming. The Planning Board was in favor of removing the 2% or one acre cap on the maximum cumulative
19 use area since the Commercial Solar Facility use is not feasible unless a certain amount of land is available.
20 The Planning Board also noted that there is still a 75 acre cap in place. Finally, the Planning Board stated that
21 out of all the uses that they have reviewed for the rural west, a Commercial Solar Facility use is one of the
22 least intrusive that has been proposed.

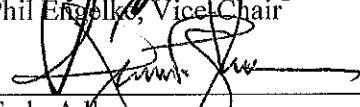
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24 Tudy Adler made a motion to recommend approval of the proposed amendment to Section
25 131.0.N.52. of the Zoning Regulations that would allow Commercial Solar Facilities on ALPP and require
26 that all Conditional Use petitions for Commercial Solar Facilities on ALPP land be reviewed by the ALPB;
27 and approval of the proposed amendment to Section 106.1 of the Zoning Regulations to eliminate the use area
28 restrictions for Commercial Solar Facilities on ALPP purchased or dedicated easements, preservation parcels
29 created as part of a cluster subdivision process, and other dedicated easements. Phil Engelke seconded the
30 motion. The motion passed by a vote of 5 to 0.

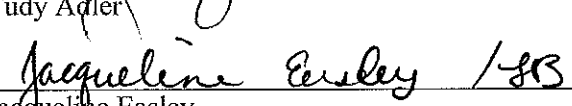
1 For the foregoing reasons, the Planning Board of Howard County, Maryland, on this 23rd day of
2 May, 2016, recommends that ZRA 164, as described above, be **APPROVED**.

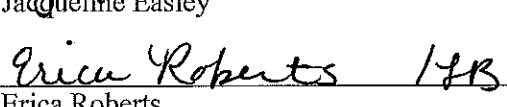
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6 HOWARD COUNTY PLANNING BOARD

7 
8 Bill Santos, Chairman

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10 
11 Phil Engelke, Vice Chair

12 
13 Tudy Adler

14 
15 Jacqueline Easley

16 
17 Erica Roberts

18
19 ATTEST:

20 
21 Valdis Lazdins, Executive Secretary