



IN RE:

KDC SOLAR WALNUT CREEK, LLC *

REQUEST FOR
CONDITIONAL USE

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BEFORE THE

HOWARD COUNTY

HEARING EXAMINER

Case No: BA-_____

***** *** ***** *** *****

NARRATIVE SUPPLEMENT TO CONDITIONAL USE PETITION

8. Summary of Request

c. Any additional information which will be useful in the evaluation of whether the conditional use complies with the specific criteria for the conditional use category within Section 131.0.N.

Under Section 131.0.N.52 (Solar Facility, Commercial) of the Howard County Zoning Regulations (the "Regulations"), a Conditional Use for a Commercial Solar Facility may be granted for property located in the RC or RR zone. This use complies with the specific criteria for a Commercial Solar Facility as stated below.

a. The parcel on which the commercial ground-mount solar collector facility is proposed must be a minimum of 10 acres in size. The maximum size of a solar facility shall be 75 acres notwithstanding the size of the parcel. However, on parcels which are in the Agricultural Land Preservation Program, the maximum size shall be 16 acres or 20% of the property, whichever is less.

However, a ground-mount solar collector 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.

The Property is 45.23 acres and the size of the Commercial Ground-Mount Solar Collector Facility is 10.09 acres. The Property is **NOT** in the Agricultural Land Preservation Program.

- b. All structures and uses must meet a minimum 50 foot setback from all property lines.**

This criterion is met as shown on the additional Conditional Use Exhibit.

- c. No structure or use may be more than 20 feet in height.**

No structures exceed 20' in height.

- d. A 'Type D' landscaping buffer must be provided around the perimeter of the proposed commercial solar facility unless the Hearing Authority determines that an alternative buffer is sufficient.**

A Type D landscape buffer is proposed along the perimeter of the conditional use area as demonstrated on the attached Exhibit.

- e. All security fencing must be located between the landscaping buffer and the commercial solar facility.**

Security fencing will be installed between the landscape buffer and the solar panels.

- f. The systems shall comply with all applicable local, state, and federal laws and provisions.**

All systems will comply with applicable local, state, and federal laws.

- g. A commercial ground-mount solar collector facility that is no longer used shall be removed from the site within 6 months of the date that the use ceases. The Property Owner shall secure this obligation by maintaining a bond, escrow, or other form of security, in an amount equal to the estimated future cost of removal, that is acceptable to the Director of Finance.**

Petitioner agrees to comply with this criterion.

- h. The premises shall be maintained at all times in a clean and orderly condition, including the care or replacement of plant**

materials required in the landscaping plan. The responsibility for compliance with this provision shall be with all parties having a lease or ownership interest in the commercial ground-mount solar collector facility. The applicant shall provide the Hearing Authority with details regarding maintenance and access for the site.

Petitioner agrees to comply with this criterion and will maintain the site in a clean and orderly fashion. Petitioner will submit additional information regarding the maintenance of the Property at the hearing on this matter.

i. The applicant shall agree to register all solar collectors with the Department of Fire and Rescue Services. The registration shall include a map of the solar facility noting the location of the solar collectors and the panel disconnect.

Petitioner agrees to comply with this criterion.

j. Tree removal shall be minimized and reforestation shall be done in accordance with Section 16.1026 of the Howard County Code.

Tree removal will be minimized and reforestation will be provided in accordance with Section 16.1026 of the Howard County Code.

k. Scenic Views

(1) The applicant shall demonstrate that the solar facility does not harm the scenic characteristics of the view of or from:

A. A public park;

B. A national or state designated scenic byway;

C. A road listed in the Scenic Roads Inventory adopted under Section 16.1403 of the Howard County Code; or

D. A historic structure as defined in Section 16.601 of the Howard County Code.

(2) Visual Impact Analysis Required to Demonstrate Minimal Impact to or from Scenic Views

A. The Conditional Use petition shall include a visual impact analysis mapping all viewshed impacts and any proposed mitigation. This analysis shall include mapped visual impact assessments of all important or critical viewpoints or elevations from which the solar facility can be seen from a fixed vantage point. For purposes of this subsection, A viewshed is a topographically defined area including all critical observation points from which the solar facility is viewed.

B. If the visual impact assessment as mapped particularly interferes with and compromises critical observation points within

the viewshed that warrant viewshed protection, the petitioner shall mitigate the view through additional landscaping or other forms of mitigation, including reconfiguration of the solar panels, or as may be required by the Hearing Authority.

C. Fencing along road frontage or the perimeters of the commercial solar facility site where the fencing would be visible shall be constructed of a material and design consistent with the character of the roadway or area.

D. The petition shall include a landscape plan.

There are no parks, scenic byways, scenic roads, or historic structures within the viewshed of the proposed commercial solar facility.

l. (NOT APPLICABLE)

m. (NOT APPLICABLE)

n. (NOT APPLICABLE)

o. Regulations for Solar Collector Facility, Commercial Ground-Mount

A solar collector or combination of solar collectors shall be designed and located to avoid glare or reflection onto adjacent properties and adjacent roadways and shall not interfere with traffic or create a safety hazard. The petitioner or applicant shall provide to the Department of Planning and Zoning a glare study or other certification or assurance acceptable to the Department that the solar collectors are designed, manufactured, and will be installed:

A. To eliminate glare;

B. To ensure that glare will not be reflected onto nearby buildings or roadways; or

C. With anti-reflective coatings or light-trapping technologies.

A glare study conducted Forge Solar on July 23, 2024 is attached to this Petition. This analysis included the modeling of the potential for glare from numerous observation points biased to simulate the views from immediate project neighbors and roadways. The analysis considered site- and project-specific location, topography, and equipment data and determined that no glare would be produced at any time of year.

This use also complies with the General Standards Required for Approval under Section 131.0.B. of the Regulations:

1. The proposed Conditional Use plan will be in harmony with the land uses and policies in the Howard County General Plan which can be related to the proposed use.

The proposed Commercial Solar Facility is consistent with the PlanHoward 2030 and the land uses prescribed for the RC zone. Policy 4.12 specifically supports the development of renewable energy resources such as solar power.

2. The nature and intensity of the use, the size of the site in relation to the use, and the location of the site with respect to streets giving access to the site are such that the overall intensity and scale of the use(s) are appropriate for the site.

Access to the site is from Autumn Tree Lane, which is an unclassified local road. This is a low intensity use that is appropriate for the site and the surrounding community, as it does not require water, sewer, or roadway improvements, does not produce sound, emissions, or traffic, and is sized to occupy one field on a portion of a larger property that will be largely and immediately shielded from surrounding views due to existing topography and vegetation.

3. The proposed use at the proposed location will not have adverse effects on vicinal properties above and beyond those ordinarily associated with such uses. In evaluating the proposed use under this standard, the Hearing Authority shall consider whether or not:

a. The impact of adverse effects such as, but not limited to, noise, dust, fumes, odors, intensity of lighting, vibrations, hazards or other physical conditions will be greater at the proposed site than it would generally be elsewhere in the same zoning district or other similar zoning districts.

The proposed Commercial Solar Facility at the proposed location will not have adverse effects on vicinal properties above and beyond those ordinarily associated with the use. As indicated above, Petitioner conducted a glare study that demonstrated there will be no glare impacts on adjacent properties or roadways. The use will not produce dust, fumes, odors, lighting vibrations or other hazards.

b. The location, nature and height of structures, walls or fences, and the nature and extent of the existing and/or proposed landscaping on the site are such that the use will not hinder or discourage the development and/or use of adjacent land and structures more at the subject site than it would generally elsewhere in the same zoning district or other similar zoning districts.

The area of the conditional use is 10.09 acres in size. The conditional use area will be enclosed with up to an eight-foot fence with landscaping installed between the fencing and the property line so that the solar panels and the fencing are adequately screened from the view of vicinal properties and the roadways. In

addition, the project has been conscientiously setback from area roadways and residential uses and within an area largely screened from view by existing vegetation and topography. The location, nature, and height of fences and solar panels are such that the use will not hinder or discourage the development and use of adjacent land.

c. The number of parking spaces will be appropriate to serve the particular use. Parking areas, loading areas, driveways and refuse areas will be appropriately located and buffered or screened from public roads and residential uses to minimize adverse impacts on adjacent properties.

This use does not require parking spaces.

d. The ingress and egress drives will provide safe access with adequate sight distance, based on actual conditions, and with adequate acceleration and deceleration lanes where appropriate. For proposed Conditional Use sites which have driveway access that is shared with other residential properties, the proposed Conditional Use will not adversely impact the convenience or safety of shared use of the driveway.

There is safe access and adequate sign distance providing access to the Site.

e. The proposed use will not have a greater potential for adversely impacting environmentally sensitive areas in the vicinity than elsewhere.

There are no environmental features on the site. There are wetlands, streams, and related floodplains in the vicinity, but this use at this location does not have a greater potential for adversely impacting environmentally sensitive areas here than elsewhere.

f. The proposed use will not have a greater potential for diminishing the character and significance of historic sites in the vicinity than elsewhere.

The proposed commercial solar facility will not be within the viewshed of any historic structures.

8.d: Will the conditional use generate any physical conditions such as noise, dust, fumes, odors, lighting, or vibrations which would be discernible from abutting and vicinal properties?

The proposed use will not generate physical conditions such as noise, dust, fumes, odors, lighting, or vibrations that would be discernible from abutting and vicinal properties and will not create any adverse impacts greater at the Property than elsewhere in the zone or applicable other zones.

