



# HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

3430 Courthouse Drive

Ellicott City, Maryland 21043

410-313-2350

Voice/Relay

Valdis Lazdins, Director

FAX 410-313-3467

## HOWARD COUNTY AGRICULTURAL LAND PRESERVATION BOARD

June 18, 2018

### Staff Report

**Owner:** Abbas Khademi  
4626 Sheppard Manor Drive  
Ellicott City, MD 21042

**Farm Location:** 5545 Broadwater Lane, Clarksville  
Tax Map 28, Parcel 370, Lot 3; +/- 59.11 acres

**Request Submitted By:** Power 52 Energy, Contract Purchaser.

**Easement Designation:** Howard County Basement HO-84-07-E

**Request:** Review of Power 52 Energy's proposed Commercial Solar Facility

**Recommendation:** Approval of request to site a Commercial Solar Facility

### Summary:

Abbas Khademi is the current owner of the subject property, which was placed in the Howard County Agricultural Land Preservation Program (ALPP) program on December 3, 1984 by Michael and Caren Edwards. The current request is for the ALPB to review the proposed commercial solar facility (CSF) and provide its recommendation to the Howard County Hearing Authority, regarding consistency with the ALPB Commercial Solar Facility policy.

### Background

In October 2016, the Howard County Council approved legislation to amend the Zoning Regulations to allow CSFs of up to 75 acres on properties in the ALPP. Council Bill 59-2016 requires the ALPB to provide advisory comments for Conditional Use Petitions for CSFs prior to submission to the County. The ALPB's recommendation is based on 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 its recently created Commercial Solar Facilities policy, the ALPB developed standards of review to determine if each proposal meets one or both of the aforementioned criteria. Pursuant to the policy, the Board will apply the following standards 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.

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.

#### Staff Analysis:

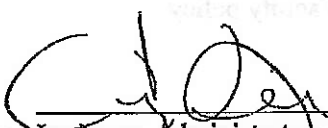
The applicant has provided documentation that their proposal meets the two primary standards. The total requested lease area is 19.14 acres, which is approximately 32.4% of the property size, slightly below the 34% maximum. Regarding the soils capability of the land not included in the solar operational area, the Howard Soil Conservation District calculated that 80.7% would be USDA Classes I-III, and 94.2% would be Classes I-IV. These percentages exceed the minimum requirements of the ALPB policy of 50% Classes I-III and 66% Classes I-IV.

There is an existing horse boarding and training operation on the property, which is planned to remain. Mr. Janatti of Power 52 has spoken with the operator and she has indicated that the area she uses for pasture will not be affected by the CSF. In addition, the outdoor riding ring that can be seen on the aerial map as part of the CSF is not currently in use. There is an indoor arena in the large barn, which is also for stabling the horses. The smaller building to the left is an equipment shed. These two buildings will not be affected by the CSF.

#### Staff Recommendation:

Staff recommends approval based on consistency with the ALPB CSF policy.

Prepared by:

  
Joy Levy, Administrator  
Agricultural Land Preservation Program

Date:

6/7/18

#### Attachments:

Aerial Photo  
Preservation Map  
Soils Map  
ALPB Commercial Solar Facilities policy  
Request letter from Mr. Khademi  
Supplemental documentation and mapping from Jason Janatti and Rob Vogel



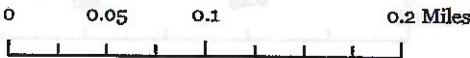


Aerial



# **KHADEMI PROPERTY**

5455 & 5545 Broadwater Lane  
Clarksville, MD 21704

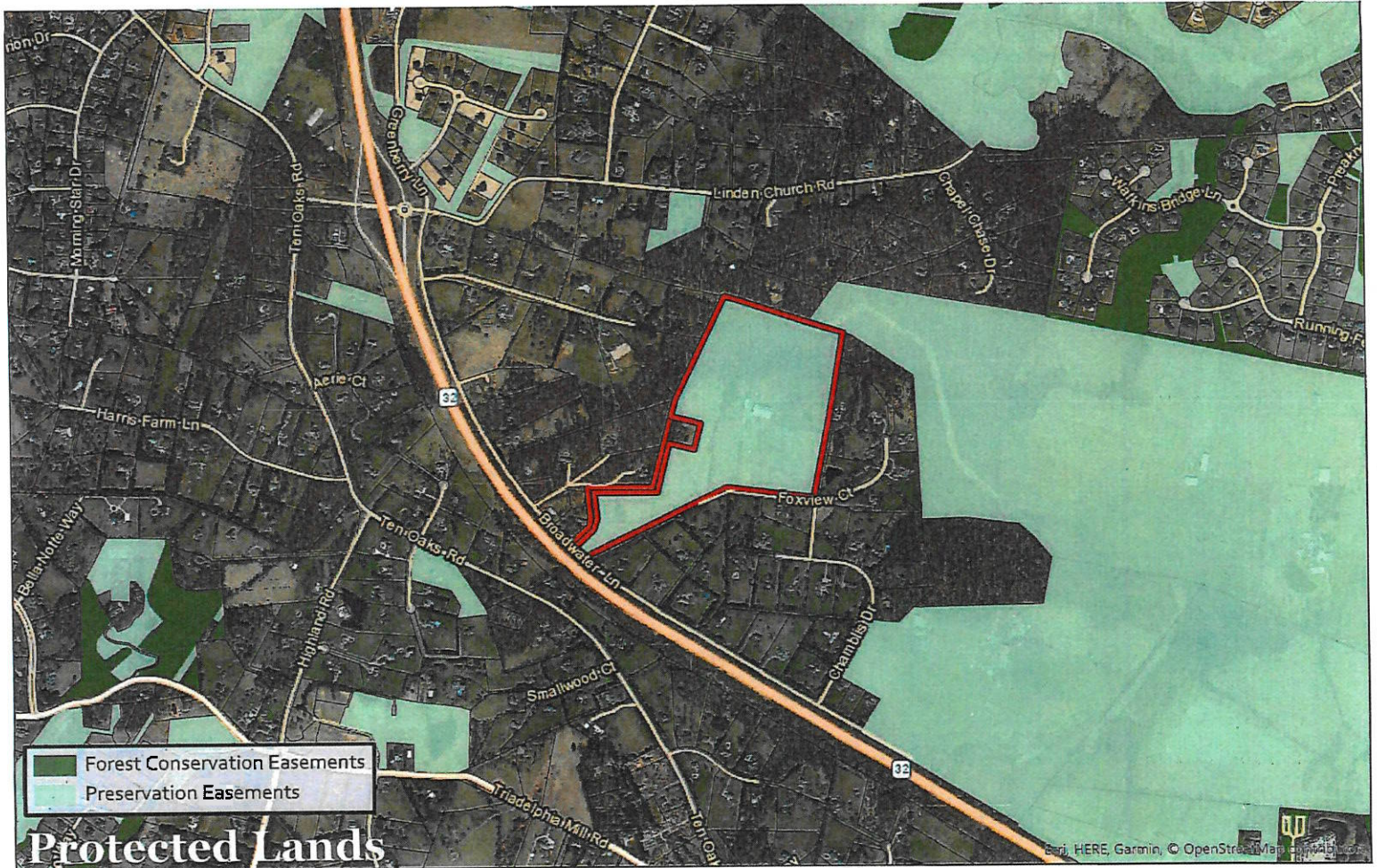


Tax Map: 8	Commercial Solar Operational Area
Parcel(s): 1	



Howard County Dept. of Planning & Zoning  
Resource Conservation Division  
Division of Research  
June 05, 2018





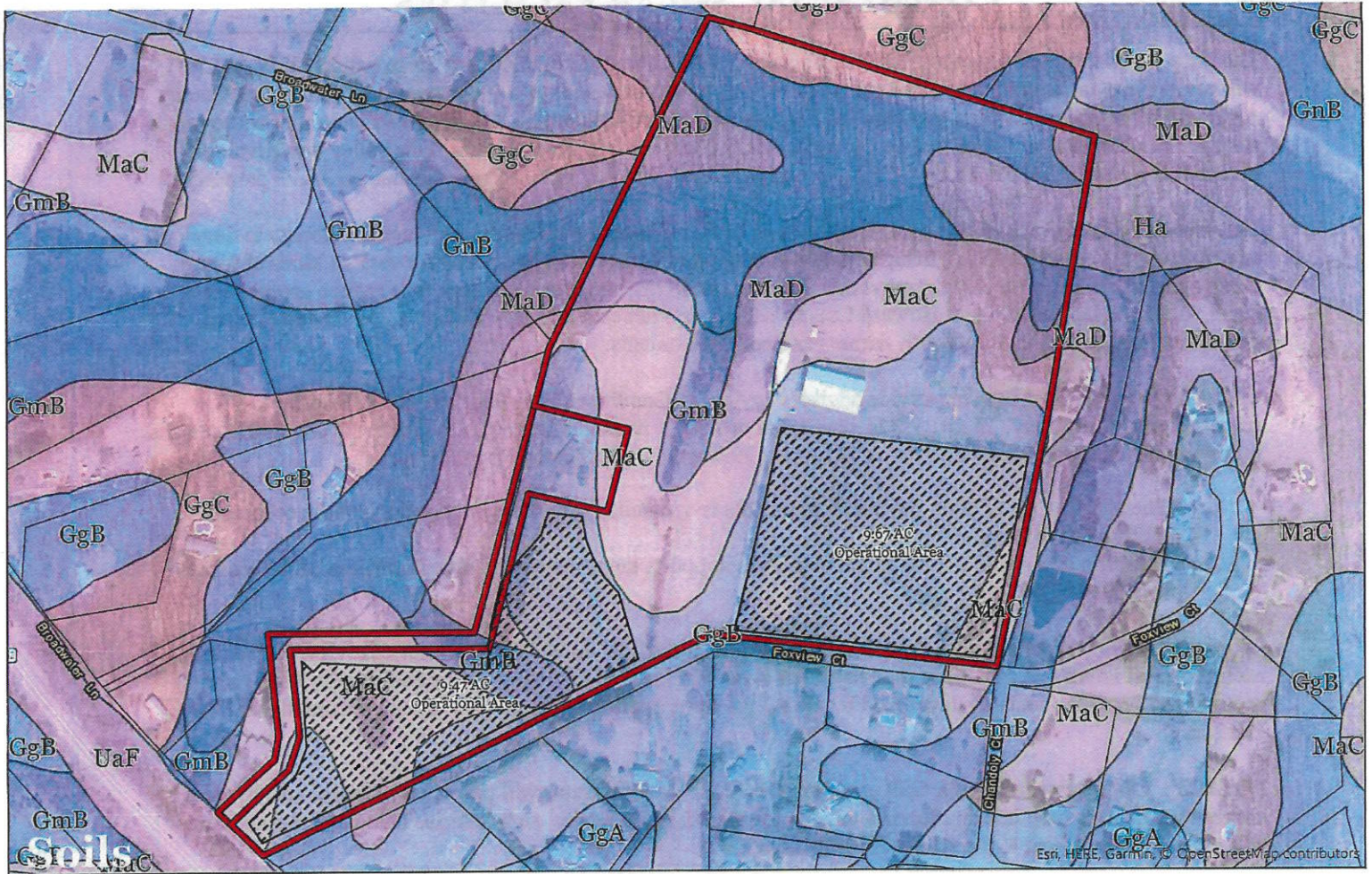
**KHADEMI  
PROPERTY**  
5455 & 5545 Broadwater Land  
Clarksville, MD 21794

Tax Map: 28  
Parcel(s): 370

Howard County Dept. of Planning & Zoning  
Resource Conservation Division  
Division of Research  
June 04, 2018



# Howard County, Maryland Preservation Program Agricultural Land



**KHADEMI  
PROPERTY**  
5455 & 5545 Broadwater Land  
Clarksville, MD 21794

0 0.05 0.1 0.2 Miles

Tax Map: 28  
Parcel(s): 370

Commercial Solar  
Operational Area

Howard County Dept. of Planning & Zoning  
Resource Conservation Division  
Division of Research  
June 04, 2018





# Agricultural Land Preservation Program Howard County, Maryland



## COMMERCIAL SOLAR FACILITIES

The purpose of this policy is to explain the process by which the Agricultural Land Preservation Board (ALPB) 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 ALPB to provide advisory review of Conditional Use Petitions for CSFs 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."

In order to fairly and consistently review CSF proposals, the ALPB developed standards of review to determine if each proposal meets one or both of the aforementioned criteria. The following policy outlines the ALPB review process and lists the standards developed by the ALPB 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 ALPB to review each criteria. The ALPP Administrator will present the proposal to the ALPB for consideration.

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.

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.

#### SUBMISSION REQUIREMENTS:

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

1. A copy of the Agricultural Land Preservation Program Basement
2. A copy of the current Soil Conservation and Water Quality Plan<sup>1</sup>
3. A copy of the proposed Conditional Use Plan
4. A Soil Classification Analysis Map & Table (see below)

The Soil Classification Analysis Map must include the following:

1. An aerial map featuring the layout of the commercial solar operational area scaled appropriately to include the Property boundaries.
  - a. Label the size (in acres) of the commercial solar operational area, and the remaining balance of the Property.
  - b. Label any applicable access roads as to whether they are new or existing.
  - c. Include and label any environmental features.
2. The soil classes within the portion of the Property not included in the commercial solar operational area. Soils must be organized by Capability Classes I to IV, as outlined in the *Soil Survey of Howard County*.

The Soil Classification Analysis Table should include the following:

1. Calculate and show the total percentage of the portion of the Property not included in the commercial solar operational area containing USDA Soil Capability Classes I, II, & III, AND Classes I, II, III, & IV.
  - a. Include the acreage and percentage makeup of each class present within the portion of the Property not included in the commercial solar operational area.
  - b. Include the total sum for Classes I, II, & III, AND Classes I, II, III, & IV.

Please refer to the Commercial Solar Facility Application Submittal Procedure and Checklist for additional information on how to submit a CSF request to the Board.

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.

#### For More Information

Joy Levy, Agricultural Land Preservation Program Administrator  
[jlevy@howardcountymd.gov](mailto:jlevy@howardcountymd.gov) or 410-313-5407

<sup>1</sup> County Code §15.512 requires a current Soil Conservation and Water Quality Plan, prepared by the Howard Soil Conservation District, for any ALPP property.



**PAKULLA  
PROFESSIONALS**

5/28/18

To: Howard County Agriculture Preservation and Department of Planning and Zoning

I am submitting this proposal for a solar facility on our farm to produce green energy along with my horse operation. The proposal is with the Power 52 Foundation.

Our farm borders Route 32 and is extremely close to the BGE substation making it a perfect fit for the newly passed bill by the Howard County Council allowing solar on preserved farms. We look forward to presenting our plan and working with you.

Sincerely,

DocuSigned by:

*Abbas Khademi*

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Abbas Khademi

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410-884-REAL (7325) • Fax: 410-423-5204  
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**Levy, Joy**

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**From:** Jason Jannati <jjannati@power52energy.com>  
**Sent:** Monday, June 04, 2018 1:02 PM  
**To:** Levy, Joy  
**Subject:** Commitment to Horse Farm - 5545 Broadwater Lane

Dear Joy,

As the potential purchaser of 5545 Broadwater Lane we wanted to communicate that we are committed to continuing the existing operation which currently boards and trains horses. Based on our solar layout design there will be no impact to the existing spaces used by the horse's activities and we plan to continue to collaborate with existing tenant to potentially support them in the growth of their activities on site which the property still has capacity for.

We felt this was important to communicate as we appreciate the delicateness of this process in utilizing Ag Pres land for solar farming. We are happy to elaborate on this commitment and look forward to working with you and the greater Ag community

--  
**Jason Jannati**  
Chief Development Officer



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