



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

3430 Court House Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2350

Voice/Relay

Amy Gowan, Director

FAX 410-313-3467

October 11, 2022

The Cahill-Luigard Living Trust
11 Midhurst Rd.
Silver Spring, MD 20910

RE: WP-22-133 Indian One Solar
14607 Riggs Meadow Drive

Dear Owners:

This letter is to inform you that your request for alternative compliance to the Howard County Subdivision and Land Development Regulations for the subject project was reviewed.

On October 10, 2022 and pursuant to Section 16.104, the Director of the Department of Planning and Zoning, considered and **approved** your request for alternative compliance with respect to **Sections 16.120(a)(2) and 16.119(f)** of the Subdivision and Land Development Regulations to allow direct access to MD Route 97 for a commercial ground-mount solar collector facility.

The Department of Planning and Zoning hereby determines that you have demonstrated to its satisfaction that strict enforcement of Sections 16.120(a)(2) and 16.119(f) would result in an unreasonable hardship or practical difficulty. This determination is made with consideration of your alternative compliance application and the [four (4) items OR one (1) item] you were required to address, pursuant to Section 16.104(a)(1):

1. Strict conformance with the requirements will deprive the applicant of rights commonly enjoyed by others in similar areas;

Preservation Parcel B is 37.55 acres and has about 200 feet of public road frontage onto Riggs Meadows Drive (local road) and about 0.5 mile of public road frontage onto MD Rt. 97/Roxbury Mills Road (minor arterial). The northern portion of the property is used as a vineyard and winery with driveway access off Riggs Meadow Drive that runs south, parallel to MD Rt. 97, about 1250 feet to the winery facility. The proposed commercial ground-mount solar collector facility is located beyond the winery and is proposed to access MD Rt. 97 about 2,000 feet south of Riggs Meadow Drive. When the subdivision was created, Preservation Parcel B was planned to access Riggs Meadow Drive with ingress and egress restricted along the entire frontage of MD Rt. 97. Conformance with the regulation would require the solar facility to access Riggs Meadow Drive using the existing winery driveway and continue an additional 750 feet to the solar facility, which would impact current planted vineyard and future planting areas. Therefore, the petitioner is requesting to eliminate a 50-foot width of "vehicular ingress and egress restriction" on MD Rt. 97 to allow a separate, direct access for the solar facility. After construction of the solar facility, it is anticipated that there will be one trip or less per month for vegetation management, equipment repairs and inspection. Strict conformance with the requirements will deprive the applicant the right to provide direct access to the use from MD Rt. 97, which is a right commonly enjoyed by others in this area.

2. Uniqueness of the property or topographical conditions would result in practical difficulty; other than economic, or unreasonable hardship from strict adherence to the regulations;

The disproportionate frontage of the property on MD Rt. 97 from Riggs Meadow Drive and the long, narrow shape of Preservation Parcel B creates an unreasonable hardship from strict adherence to the regulations. Accessing the site from the existing driveway on Riggs Meadow Drive is problematic because it is 2,000 feet from the solar facility and may affect the viability of the project due to the emergency access difficulties.

3. The Variance will not confer to the applicant a special privilege that would be denied to other applicants and;

Approval of this alternative compliance request will not confer to the applicant a special privilege since the driveway will not generate any daily trips and will not accommodate any routine traffic. The purpose of the driveway is to provide direct and efficient access to the solar facility for maintenance and repair, and in the event of an emergency.

4. The modification is not detrimental to the public health; safety or welfare, or injurious to other properties.

The modification is not detrimental to the public health, safety or welfare, or injurious to other properties., Due to low traffic generation of the solar facility MDOT SHA has agreed to allow direct access to MD Rt. 97, subject to obtaining the necessary permits. The driveway access will be restricted to the public by a gate with a Knox Box.


Approval of this Alternative Compliance is subject to the following conditions:

1. The revision to the vehicular ingress and egress restriction line is only permitted for the commercial ground-mount solar collector facility use at the location specified on the Conditional Use exhibit (BA-21-030C) and Site Development Plan (SDP-21-039).
2. A plat of revision must be approved by the Department of Planning and Zoning and recorded in the Land Records Office of Howard County to amend the vehicular ingress and egress restriction line that is recorded on F-97-041.
3. The applicant shall obtain all necessary plan approvals and permits from the State Highway Administration.

Indicate this alternative compliance petition file number, request, section of the regulations, action, conditions of approval, and date on all related plats, and site development plans, and building permits. This alternative compliance approval will remain valid for one year from the date of this letter or as long as a subdivision or site development plan is being actively processed in accordance with the processing provisions of the Regulations.

If you have any questions, please contact Julia Sauer at (410) 313-2350 or email at jsauer@howardcountymd.gov.

Sincerely,

DocuSigned by:

1EB75478A22B49A...

Anthony Cataldo, AICP, Chief
Division of Land Development

AC/js

cc: Research
DLD - Julia Sauer
Vogel Engineer + Timmons Group



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3430 Court House Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2350

Voice/Relay

Amy Gowan, Director

FAX 410-313-3467

July 13, 2022

The Cahill-Ligard Living Trust
11 Midhurst Rd.
Silver Spring, MD 20919

RE: WP-22-133 Indian One Solar

Dear Owner:

This letter is to inform you that your request for alternative compliance to the Howard County Subdivision and Land Development Regulations for the subject property was reviewed and no action can be taken until the enclosed comments have been addressed, and the following additional information is provided.

The requested information and revised plans must be submitted within **45 days** of the date of this letter (**on or before August 27, 2022***), or this Division will recommend that the Planning Director or Director Committee deny this alternative compliance petition.

Once the requested information has been received and reviewed, this office will coordinate agency comments and will prepare a recommendation for the Planning Director's action. If you have any questions regarding a specific comment, please contact the review agency prior to preparing the revised plans and information. Compliance with all items indicated above is required before the revised plans and information will be accepted.

In accordance with adopted Council Bill 51-2016, effective 10/05/16, if the deadline date is a Saturday, Sunday or holiday or if the County offices are not open, the deadline shall be extended to the end of the next open County office business day.

Submissions can be mailed to Howard County Planning and Zoning, 3430 Court House Drive, Ellicott City, MD 21043 or dropped in the bin labeled 'DLD' at the Department of Planning and Zoning Public Service Counter located on the first floor of the George Howard Building. Submission materials can also be emailed to planning@howardcountymd.gov for processing.

If you have any questions, please contact Julia Sauer at (410) 313-2350 or email at jsauer@howardcountymd.gov.

Sincerely,

DocuSigned by:

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Anthony Cataldo, AICP, Chief
Division of Land Development

AC/js

Attachments:

cc: Research
DLD - Julia Sauer
Vogel Engineering + Timmons Group



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

3430 Court House Drive

Ellicott City, Maryland 21043

410-313-2350

Voice/Relay

Amy Gowan, Director

FAX 410-313-3467

Subject: WP-22-133 Indian One Solar (SDP-22-039)

To: Robert H. Vogel, PE
Vogel Engineering + Timmons Group

From: Julia Sauer, Planning Supervisor
Division of Land Development
jsauer@howardcountymd.gov
410-313-4342

Date: July 13, 2022

Pursuant to Section 16.104(b)(1) of the Subdivision and Land Development Regulations, the Division of Land Development requests the following additional information be provided with a resubmission.

1. On July 6, 2022, DPZ met the consultant team onsite to verify the limits of the wetland. Based on the field review, the southern portion of the site is mostly wetland area. The development team has determined the southern solar arrays will be removed and only the northern portion will be proposed for development. Although it is assumed the access point will not change, please provide a revised exhibit that shows the revised proposal, including the proposed access driveway for the solar facility.
2. The justification provided with the alternative compliance petition states that if the petition were not approved, it may affect the viability of the solar project due to the emergency access difficulties. Are there existing regulations, or best management practices, that require the access or driveway length to be a certain distance from the solar facility?
3. Are there agricultural benefits by providing a separate entrance for the commercial use? Would an extended driveway from the winery facility to the solar facility impact the current agricultural activity?
4. If the existing driveway were to be used for the commercial solar facility, would the access along Riggs Meadow Drive need to be expanded to meet nonresidential access standards, and would the existing unpaved driveway required to be paved? If yes, how would this impact stormwater management?

Certificate Of Completion

Envelope Id: 551ACF0820284473AEFA99C012C1C1EA	Status: Completed
Subject: Please DocuSign: WP-22-133 Deferral Letter.docx, WP-22-133 DLD Comments.docx	
Source Envelope:	
Document Pages: 2	Signatures: 1
Certificate Pages: 1	Initials: 0
AutoNav: Disabled	Envelope Originator:
Envelopeld Stamping: Disabled	Anthony Cataldo
Time Zone: (UTC-05:00) Eastern Time (US & Canada)	Ellicott City, MD 21043
	acataldo@howardcountymd.gov
	IP Address: 167.102.191.18

Record Tracking

Status: Original	Holder: Anthony Cataldo	Location: DocuSign
7/13/2022 3:53:15 PM	acataldo@howardcountymd.gov	

Signer Events

Anthony Cataldo
 acataldo@howardcountymd.gov
 Division Chief
 Howard County Government
 Security Level: Email, Account Authentication (None)

Signature

DocuSigned by:

 1EB75478A22B49A...
 Signature Adoption: Uploaded Signature Image
 Using IP Address: 167.102.191.18

Timestamp

Sent: 7/13/2022 3:53:43 PM
 Viewed: 7/13/2022 3:53:46 PM
 Signed: 7/13/2022 3:53:55 PM
 Freeform Signing

Electronic Record and Signature Disclosure:
 Not Offered via DocuSign

In Person Signer Events

Signature

Timestamp

Editor Delivery Events

Status

Timestamp

Agent Delivery Events

Status

Timestamp

Intermediary Delivery Events

Status

Timestamp

Certified Delivery Events

Status

Timestamp

Carbon Copy Events

Status

Timestamp

Witness Events

Signature

Timestamp

Notary Events

Signature

Timestamp

Envelope Summary Events

Status

Timestamps

Envelope Sent	Hashed/Encrypted	7/13/2022 3:53:43 PM
Certified Delivered	Security Checked	7/13/2022 3:53:46 PM
Signing Complete	Security Checked	7/13/2022 3:53:55 PM
Completed	Security Checked	7/13/2022 3:53:55 PM

Payment Events

Status

Timestamps



DPZ Office Use only: File No. Date Filed

ALTERNATIVE COMPLIANCE APPLICATION

Site Description: Indian One Solar

Subdivision Name/Property Identification: Riggs Meadow Preservation Parcel'B'

Location of property: 14607 Meadow Tree Court

Existing Use: Winery Agricultural **Proposed Use:** Agricultural and Solar

Tax Map: 0008 **Grid:** 0022 **Parcel No:** 0096 **Election District:** 04

Zoning District: RC-DEO **Total site area:** 37.55 Ac


Please list all previously submitted or currently active plans on file with the County (subdivision plans, Board of Appeals petitions, alternative compliance petitions, etc.). If no previous plans have been submitted, please provide a brief history of the site and related information to the request:

ECP-22-024, BA-21-030C, F-97-041

In the area below, the petitioner shall enumerate the specific numerical section(s) from the Subdivision and Land Development Regulations for which an alternative compliance is being requested and provide a brief summary of the request. Please use the additional page if needed.

Section Reference No.	Brief Summary of Request
16.119(f)(2)	"Vehicular egress and ingress is restricted" shall be shown on the final subdivision plat to prevent residential, commercail or industrial driveways from having direct access to arterial highways and...

Section Reference No.	Brief Summary of Request

Signature of Property Owner:  See attached Date: 6/16/22

Signature of Petitioner Preparer:  Date: 6/6/22

Name of Property Owner: The Cahill-Ligard Living Trust Name of Petition Preparer: Vogel Engineering + Timmons

Address: 11 Midhurst Road Address: 3300 North Ridge Road, Suite 110

City, State, Zip: Silver Spring, MD 20919 City, State, Zip: Ellicott City, MD 21043

E-Mail: E-Mail: rob.vogel@timmns.com

Phone No.: Phone No.: 410-461-7666

Contact Person: Contact Person: Robert H Vogel, PE

Owner's Authorization Attached