



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

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

Lynda D. Eisenberg, AICP, Director

FAX 410-313-3467

August 5, 2024

Jennifer D'Asto
6840 Guilford Road
Clarksville, MD 21029

RE: WP-25-004 Guilford Solar

Dear Ms. D'Asto:

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 August 5, 2024 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 **Section 16.156(o)(1)(i)** and **Section 16.156(o)(2)** of the Subdivision and Land Development Regulations to reactivate the Site Development Plan (SDP-22-022) and to establish a new deadline to apply for building permits to initiate construction on the site.

The Department of Planning and Zoning hereby determines that you have demonstrated to its satisfaction that strict enforcement of Sections 16.156(o)(1)(i) and 16.156(o)(2) would result in an unreasonable hardship or practical difficulty. This determination is made with consideration of your alternative compliance application and the one (1) item you were required to address, pursuant to Section 16.104(a)(1):

1. Unreasonable hardship or practical difficulties may result from strict compliance with the regulations.

Strict compliance with the regulations would require the developer to submit a new application for a site development plan. There have been no substantial regulatory changes since the previous deadline which would impact the project design. The current solar developer has been implementing minor modifications to incorporate current solar equipment and BGE requirements. A redline revision will be processed to show these minor revisions and the building permit application will be submitted subsequent to approval of the redline revision. Approval of the alternative compliance promotes efficiency of the plan review process. Requiring the developer to process a new site development plan would result in significant time delays and would not provide a benefit to the County or the public.

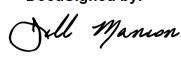
Approval of this Alternative Compliance is subject to the following conditions:

1. The developer must apply for building permits to initiate construction on the site within one year of the previous deadline date (**on or before April 17, 2025**).

Indicate this alternative compliance petition file number, request, section of the regulations, action, conditions of approval and date on all related building permits. This requested alternative compliance will remain valid for the time period specified in the conditions of approval.

If you have any questions, please contact Eric Buschman at (410) 313-0729 or email at ebuschman@howardcountymd.gov.

Sincerely,

DocuSigned by:
 for
1D2E2CF6431548F...

Anthony Cataldo, AICP, Chief
Division of Land Development

AC/eb

cc: Research
DLD - Julia Sauer
Real Estate Services
Vogel Engineering + Timmons



DPZ Office Use only:
File No.
Date Filed

ALTERNATIVE COMPLIANCE APPLICATION

Site Description: Guilford Solar (11911 Hall Shop Road)

Subdivision Name/Property Identification: Robert C. Cole Property

Location of property: 6838 Guilford Road

Existing Use: Agricultural **Proposed Use:** Commercial Solar Facility

Tax Map: 35 **Grid:** 20 **Parcel No:** 68 **Election District:** 5th

Zoning District: RR-DEO **Total site area:** 53.112 acres

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:

SDP-22-022
 BA-21-008C
 F-14-024
 ECP-22-019

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
16.156(1)(i) 16.156(o)(1)(i)	Milestone of submission of building permits

Section Reference No.	Brief Summary of Request	

Signature of Property Owner: *Jenit D'asto* Date: 7/1/24

Signature of Petitioner Preparer: *[Signature]* Date: 7/2/24

Name of Property Owner: Jennifer D'Asto Name of Petitioner Preparer: Vogel Engineering + Timmons Group

Address: 6840 Guilford Rd. Address: 3300 North Ridge Road., Suite 110

City, State, Zip: Clarksville, MD 21029 City, State, Zip: Ellicott City, Maryland 21043

E-Mail: jendasto@gmail.com E-Mail: rob.vogel@timmons.com

Phone No.: 301-996-6783 Phone No.: 410-461-7666

Contact Person: Tom D'Asto Contact Person: Robert H. Vogel

Owner's Authorization Attached

GUILFORD SOLAR
SDP-22-022
Article V, Section 16.156 (1)(i)

The purpose of this Alternative Compliance petition is to request the reactivation of Site Development Plan, SDP-22-022, Guilford Solar. The subject Site Development Plan was approved on April 17, 2023, and was required to apply for building permits by April 17, 2024. The grading permit was applied for on May 30, 2024, and was issued June 3, 2024.

The original solar developer for this project (Turning Point Energy) sold the project to Pivot Energy subsequent to the original County approval. This petition is being submitted on behalf of Pivot Energy and requests a 12-month extension (April 17, 2025) to file for the requisite building permit.

There have been no changes to the Zoning Regulations or Subdivision and Land Development Regulations since the April 17, 2023 approval date which would impact the project design. The current solar developer has been implementing minor modifications to incorporate current solar equipment and BGE requirements. The result is a slightly smaller footprint within the same fenced perimeter. It is anticipated that a site development plan redline will be processed to incorporate these minor revisions. The building permit will be applied for subsequent to the redline revision and approval of this Alternative Compliance petition. Should this Alternative Compliance be denied, the current site development plan would be voided requiring the petitioner to file and process a new site development plan which would result in significant time delays. This effort would not result in any plan revisions, or improvements which would benefit the County or the public. Processing a new plan would be a significant hardship for the petitioner and would unnecessarily obligate County resources.



ALTERNATIVE COMPLIANCE

REQUEST

In accordance with Section 16.104 of the Howard County Subdivision and Land Development Regulations, the Department of Planning and Zoning, in conjunction with the Subdivision Review Committee may grant alternative compliances or modifications to the minimum requirements stipulated within the Regulations, if it is determined that extraordinary hardships or practical difficulties may result from strict compliance with the regulations, or if it is determined that the regulations may be served to a greater extent by an alternative proposal. Please note that requests for Section 16.1200 require joint approval from the Office of Community Sustainability and the Department of Recreation and Parks. Requests to Section 16.116 require joint approval from the Office of Community Sustainability and the Department of Public Works.

JUSTIFICATION

All alternative compliance requests must be fully justified by the petitioner. Incomplete or inadequate justification may result in rejections of the application at the time of submission or a deferral of a decision for additional information. **PLEASE ATTACH A SEPARATE NARRATIVE OF JUSTIFICATION TO SUPPORT THE ALTERNATIVE COMPLIANCE REQUEST(S).** Justification must be specific to the subject property. The justification provided by the petitioner should include all factors that rationalize or substantiate the request in accordance with the requisite criteria listed below. Multiple exhibits showing design alternatives, including a scenario if relief is not provided, is strongly encouraged (not required for procedural requests).

SUBTITLE 1, Articles I, IV or V

Requests for alternative compliance to regulations in Article I, IV or V of Subtitle 1 of the Subdivision and Land Development Regulations must include a detailed description in the justification explaining how strict compliance with the regulations results in unreasonable hardship or practical difficulty.

Please review the sections below for any applicable pre-submission meeting requirements required for your request.

SUBTITLE 1, Articles II, III

Requests for alternative compliance to regulations in Article II or III of Subtitle 1 of the Subdivision and Land Development Regulations must include a detailed description in the justification explaining how the following criteria are met through the alternative compliance request:

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

3. The Variance will not confer to the applicant a special privilege that would be denied to other applicants and;
4. The modification is not detrimental to the public health; safety or welfare, or injurious to other properties.

SUBTITLE 1, Section 16.116

Requests for alternative compliance to Section 16.116 of the Subdivision and Land Development Regulations must include a detailed description in the justification explaining how the above criteria (1-4) and the following additional criteria are met through the alternative compliance request. Additionally, to determine if the modification(s) is warranted an alternative analysis may be required to include different plan concepts that clearly demonstrate that no other feasible alternative exists and that minimal impacts will occur as a result of granting the modification.

5. Disturbance is returned to its natural condition to the greatest extent possible;
6. Mitigation is provided to minimize adverse impacts to water quality and fish, wildlife, and vegetative habitat; and
7. Grading, removal of vegetative cover and trees, or construction shall only be the minimum necessary to afford relief and to the extent required to accommodate the necessary improvements. In these cases, the least damaging designs shall be required, such as bridges, bottomless culverts or retaining walls, as well as environmental remediation, including the planting of the areas where grading or removal of vegetative cover or trees has taken place, utilizing best practices for ecological restoration and water quality enhancement projects.

SUBTITLE 12, Forest Conservation Act

Variations to the Forest Conservation Act of Howard County located in Title 16, Subtitle 12 of the County Code, must meet the requirements established in Section 16.1216. The variance may be granted if it is determined that strict enforcement of Subtitle 12 would result in unwarranted hardship. Please note: increased cost or inconvenience of meeting the requirements does not constitute an unwarranted hardship to the applicant.

The Variance request must include a detailed description in the justification explaining how the following criteria are met through alternative compliance:

1. Describe the special conditions peculiar to the property which would cause the unwarranted hardship;
2. Describe how enforcement of the regulations would deprive the landowner of rights commonly enjoyed by others in similar areas;
3. Verify that the granting of a variance will not adversely affect water quality;
4. Verify that the granting of a variance will not confer on the applicant a special privilege that would be denied to other applicants;
5. Verify that the variance request is not based on conditions or circumstances which are the result of actions by the applicant;
6. Verify that the condition did not arise from a condition relating to land or building use, either permitted or nonconforming on a neighboring property; and
7. Provide any other information appropriate to support the request.

To evaluate the justification, the following information must be provided in addition to the narrative justification:

- *Pictures of any specimen trees to be removed including a detailed assessment for each tree regarding its size, age, health, and any other conditions that may affect its survivability.*

- *An alternative plan analysis explaining why the lots, roads, driveways, parking lots, structures, SWM devices and utilities cannot be reconfigured or relocated on the property to avoid removal of the trees.*
- *A detailed explanation of why removal of the trees will not adversely affect water quality per the State of MD standards.*

Presubmission Community Meeting Requirement

A pre-submission community meeting may be required for alternative compliance requests to Section 16.155(a) of the Subdivision and Land Development Regulations. Please see detailed instructions on our website <https://www.howardcountymd.gov/Departments/Planning-and-Zoning/Land-Development/Development-Process-and-Procedures> and contact the Division of Land Development regarding the applicability of this requirement.

Historic Preservation Meeting Requirement

A pre-submission advisory meeting with the Historic Preservation Commission is required for new development located within a Historic District or if the site contains a historic structure (50 years or older) in accordance with Section 16.603A of the Howard County Code.

***Please see detailed instructions on our website:*

<https://www.howardcountymd.gov/Departments/Planning-and-Zoning/Conservation-and-Preservation/Historic> and contact the Division of Resource Conservation regarding the applicability of this requirement.

MAA Meeting Requirement

For all proposed subdivision or developments located within the BWI Airport Noise Zone or the Airport Zoning District (4-mile radius from the center of the airport), the review and approval by the Maryland Aviation Administration is required prior to signature approval of final plan road and SWM construction drawings, and/or site development plans, or alternative compliance approval of SDP. A copy of the MAA approval letter must accompany the submission of the final road/SWM construction plan original drawings, and/or site development plan original, or alternative compliance application. Please contact the MAA.

MAA P.O. Box 8766, BWI Airport, Maryland, 21240-0766, or (410) 859-7100

Design Advisory Panel (DAP)

In accordance with Title 16, Section 15 of the Howard County Code, a pre-submission advisory meeting with the Design Advisory Panel is required for certain development or redevelopment projects, including those: on parcels located within the U.S. Route 1 Corridor that are zoned CE, CAC, or TOD, or that adjoin the Route 1 right-of-way and that are subject to the Route 1 Manual; on parcels located within the Route 40 Corridor as defined in the Route 40 Design Manual; on parcels on which age-restricted adult housing is to be constructed pursuant to a conditional use; on redevelopment parcels located in New Town Village Centers with boundaries proposed by a property owner or established by the Zoning Board or County Council; on parcels included within the boundaries of the Downtown Columbia Plan; on parcels on State Route 108, between Guilford Road and Trotter Road, that are within the boundaries of the Clarksville Pike Streetscape Plan and Design Guidelines; and on parcels located in the following

zoning districts, as provided by the zoning regulations: R-H-ED, R-APT, BRX, CEF, CR and, for non-conforming uses, CLI. ****Please see detailed instructions on our website:**

<https://www.howardcountymd.gov/Departments/Planning-and-Zoning/Boards-and-Commissions/Design-Advisory-Panel>

Submission Materials

- a. Please provide two paper copies of the application and exhibits. Plans must be folded to a size no larger than 7-1/2" x 12". Plan applications are available on the DPZ website at <https://www.howardcountymd.gov/Departments/Planning-and-Zoning/Application-Forms-and-Fees> under "Land Development."
 - b. Detailed alternative compliance exhibit(s), plot plan, subdivision plan or site development plan must indicate the following required information relevant to the alternative compliance request to ensure acceptance of the alternative compliance application for processing.
 - ✓ Vicinity map scale 1" = 2,000' indicating and identifying the total boundary of the property, exact site location, vicinity roads and north arrow
 - ✓ Bearings and distances of property boundary lines for the entire tract and size of tract area
 - ✓ North arrow and scale of plan
 - ✓ Location, extent, boundary lines and area of any proposed lots
 - ✓ Any existing or proposed building(s), structures, points of access, driveways, topography, natural features and other objects and/or uses on the subject and adjacent properties which may be relevant to the petition: i.e. historic structures, cemeteries or environmentally sensitive areas.
 - ✓ Delineation of building setback lines.
 - ✓ Delineation of all existing public road and/or proposed street systems.
 - ✓ Identification and location of all easements.
 - ✓ Approximate delineation of floodplain, streams, wetland and forested areas, if applicable, and/or provide a professional certification that environmental features do not exist on the property.
 - ✓ Road profile to evaluate sight distance, if the application includes a request for direct access to a major collector or more restrictive roadway classification.
 - ✓ Any additional information to allow proper evaluation (e.g. for alternative compliance to wetland buffers an alternative analysis and mitigation proposal are needed.; for alternative compliance to SDP requirements where there is no subdivision of land, an APFO Roads Test evaluation may be needed, for alternative compliance of final plat or SDP, a copy of property deeds to confirm legal creation or status of property is needed).
 - N/A Photographs, perspective sketches or cross-sections as necessary to adequately portray the alternative compliance request.
 - ✓ The exhibit plans should be highlighted to accurately illustrate the requested alternative compliance(s) to allow proper evaluation (i.e. proposed grading, tree clearing, or other disturbances within environmentally sensitive areas or buffers).
 - N/A Submit two sets of photographs for all existing on-site structures
- N/A **Route 1 Manual**
Compliance with the Route 1 Manual is required for new development and some alterations or enlargements located in the CE, TOD and CAC zoning districts and for other zoning districts located within the Route 1 corridor. All plan submissions, beginning with the initial submission or site development plan, shall show all applicable streetscape, site and building designs responding to the Route 1 Manual's requirements and recommendations. All plan submissions shall provide a written summary of how the proposed design achieves the objectives of the Route 1 Manual. Also, building design and schematic architectural elevation details must be included with the initial subdivision or site development plan submission.

N/A

Route 40 Design Manual

Compliance with the Route 40 Design Manual is required for new development and redevelopment projects located in the Traditional Neighborhood Center (TNC) zoning districts and on parcels located within the Route 40 Corridor as defined in the Route 40 Design Manual. All plan submissions within the Route 40 corridor, beginning with the initial subdivision or site development plan, shall show all applicable streetscape, site and building designs responding to the Route 40 corridor shall provide a written summary of how the proposed design achieves the objectives of the Route 40 Design Manual. Also, building design and schematic architectural elevation details must be included with the initial subdivision or site development plan submission.

N/A

Clarksville Pike Streetscape Plan and Design Guidelines

Compliance with the Clarksville Pike Streetscape Plan and Design Guidelines is required for new development and redevelopment projects located within the streetscape sections as defined in the Clarksville Pike Streetscape Plan and Design Guidelines. Specific criteria for streetscape, architectural, and signage design are outlined within the “streetscape detail areas” of the plan. All plan submissions shall provide a written summary of how the proposed design achieves the objectives of the Clarksville Pike Streetscape Plan and Design Guidelines. Also, building design and schematic architectural elevation details must be included with the initial subdivision or site development plan submission.

✓

Property Deeds

Information to confirm the legal creation or status of the property to be improved. (Copy of deeds from Howard County Land Records Office or record plat name and recording reference number.) **A complete chronological deed history is required for all deeded residential properties. Provide 2 copies of the recorded deeds for the subject property tracing its history back to 1960.**

Fees

The Alternative Compliance application fee shall be in accordance with the adopted fee schedule. The fee schedule is available on the DPZ website at <https://www.howardcountymd.gov/Departments/Planning-and-Zoning/Application-Forms-and-Fees> (view “Land Development and Zoning Fees”). All checks shall be made payable to the Director of Finance. **The petition will not be accepted for processing until the fee has been paid. Incomplete, incorrect or missing information may result in rejection of the application and could cause additional time to be required to revise the application for resubmittal and review.** For more information or questions, contact DPZ at (410) 313-2350.