

MINUTES

Baltimore County Planning Board Meeting

June 21, 2018

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Note: A copy of the appendices is located in the official Planning Board files.

Minutes

June 21, 2018

Call to Order, Introduction of Board Members

Chairman Phillips called the meeting to order at 4:08 p.m. The following members were:

<u>Present</u>	<u>Absent</u>
1. Mr. N. Scott Phillips	1. Mr. Rick Yaffe
2. Ms. Christina Berzins	2. Ms. Lori Graf
3. Ms. Nancy Hafford	
4. Mr. Paul Hartman	
5. Ms. Cathy Wolfson	
6. Mr. Mark Schlossberg	
7. Mr. Wayne McGinnis	
8. Mr. Todd Warren	
9. Mr. Jon Herbst	
10. Mr. Bob Schweitzer	
11. Mr. Howard Perlow	
12. Ms. Michelle Lipkowitz	

County staff present included Andrea Van Arsdale, Jenifer Nugent, Lloyd Moxley, Wally Lippincott, and Jeff DelMonico from the Department of Planning. Dave Thomas from the Department of Public Works was also present.

Review of Today's Agenda

Chairman Phillips asked staff if any changes were made to the agenda. Mr. DelMonico indicated that no modifications to the agenda were made.

Minutes of the June 7, 2018 Meeting

Chairman Phillips asked the Planning Board members if they had any questions regarding the minutes from the June 7th, 2018 meeting. No questions were posed and the Chair entertained a motion to accept the draft minutes. Ms. Hafford made the motion and Mr. Schlossberg seconded the motion, which passed unanimously at 4:08 p.m. Absent for the vote were Ms. Graf and Mr. Yaffe.

Item for Introduction

1. Cycle 36 Water Supply and Sewerage Master Plan Amendments

Chairman Phillips called for Mr. Dave Thomas from the Department of Public Works to present the Cycle 36 Water Supply and Sewerage Master Plan Amendments. Mr. Thomas began by reviewing the two amendment petitions from Cycle 36 with the Board. Issue 18-01 is concerning a home that has salt water contamination in their well system. A possible fix for this problem is installing a reverse osmosis system which is quite expensive and does not always work. The house is only 700 feet away from a public water line but it is outside of the Urban Rural Demarcation Line (URDL) and does not have the correct zoning. The Department of Public Works finds it feasible to extent the water line to this property. Should the Board find favor with allowing public water, the petitioner would still need to acquire easements to have rights for access to the water.

Ms. Wolfson inquired if there are homes surrounding this property, or homes between the petitioner and the public water system. The petitioner would have to make private arrangements to gain access to the public water off of Worthington Road.

Mr. Thomas stated that issue 18-02 is in Perry Hall, the house has a failing septic system and a poor performing well. The petition is to amend the plan to allow this property to be designated S-5 to S-3 rather than W-5 to W-3. It is located within the URDL and Metropolitan District.

The Chairman called for a motion to set a public hearing. Ms. Berzins made the motion to set a public hearing for the Cycle 36 Water Supply and Sewerage Master Plan Amendments on July 19, 2018 at 5 pm. Ms. Hafford seconded the motion which was passed unanimously at 4:16 p.m. Absent for the vote were Ms. Graf and Mr. Yaffe.

Items for Discussion and Vote

2. Bill 37-17: Solar Facilities – Evaluation of the Impacts of Solar Facilities in Baltimore County

Wally Lippincott explained that some errors in the original report were corrected, the edits were submitted for the record.

Mr. Lippincott focused on addressing the comments which were made by the Planning Board members following the June 7, 2018 public hearing. Mr. Lippincott began by responding to Mr. Schweitzer's comment on storm water management. Mr. Lippincott clarified that the Maryland Department of Environment (MDE) has storm water guidelines for solar facilities. The Baltimore County Department of Environmental Protection and Sustainability treats projects that meet these guidelines as considered sufficient for meeting storm water management requirements.

Mr. Lippincott shared one comment which asked about the removal of RC 2 from the list of allowed zones or impose a penalty for using RC zones over commercial zones. Mr. Lippincott showed the extent of RC 2 in the County which is expansive. Prohibiting solar facilities from the RC 2 significantly impacts the industry due to the large amount of land zoned RC 2.

Mr. Lippincott addressed comments concerning protection of prime and productive land and prohibiting solar facilities on class 1, 2, and 3 soils. Mr. Lippincott showed a map of where these soils are found within the County, they being about 70% of the County's soil makeup. The map revealed that reservoirs, steep slopes, stream valleys, and forested ridges are classified as not being prime and productive, demonstrating the overly restrictive nature of the comment.

Mr. Lippincott stated that the report supports locating commercial solar facilities in business and manufacturing zones. The challenge is to find ways of incentivizing them within these zones rather than penalizing the facilities in resource conservation zones. There is also significant scenic view sheds throughout the rural parts of the County which make it difficult for limiting exposure of the facilities due to these facilities locating near power line corridors for connection. A setback requirement may be a way of limiting the aesthetic impact of these facilities. Landscaping may be able to mitigate the visibility from the scenic route and within view sheds as well.

Mr. Lippincott stated that the report does not recommend changing the limit of 10 facilities per district unless there is a five year review completed. There was also a comment concerning the allowable cap of megawatts per district. Mr. Lippincott stated that some projects come in and are only allowed 2 megawatts which may not be maximizing the potential of the 10 facility limit per district.

Mr. Lippincott responded to the comment of limiting solar facilities on greyfields so they may be developed at a later time. The report encourages solar in these areas. If the Board agrees in focusing solar facilities away from these fields, than the report would need to be amended. The report may also be amended to promote the inclusion of stakeholders within the Solar Facilities Review process.

Mr. McGinnis opened with a statement agreeing with Mr. Lippincott's presentation. Mr. McGinnis stated that Baltimore County has made protecting RC zones a high priority for fifty years. Allowing commercial solar facilities on prime and productive land would undo years of progress. The testimonies on this legislation have been overwhelmingly in opposition to allowing solar facilities on prime and productive farmland. Neighboring counties do not allow commercial solar facilities at all on farms. A moratorium should be implemented until legislation can be amended. This legislation went through with little input and not enough public exposure. Mr. McGinnis' full statement is located in the Planning Board's official file.

Ms. Wolfson is in agreement with Mr. McGinnis, there are plenty of public spaces that can generate solar electricity and the revenue can help to subsidize the farmers' property taxes. If the goal of this legislation is to diminish the economic burden on farmers than publically owned solar arrays can be used to support farmers.

Mr. Hartman shared his view that the legislation is not working as intended by the fact that all of the proposed solar facilities are being located in the RC zones. Commercial solar panels should be encouraged on existing acres of parking lots, garages, etc. which already exist. The aesthetics of a big box store is no different than a big box store with solar panels. Locating the facilities on existing impervious surfaces should be a priority rather than in greenspaces. Towson Town Center is building solar panels on the garage by Towson Circle and is a good example of where solar can mesh with the urban setting.

Mr. Schweitzer is in favor of renewable sources of power but agrees with the moratorium recommendation. There is a study in Anne Arundel County that is reviewing solar facilities and may be

useful for this Board's own research. Flat roof tops are ideal locations for solar panels such as the Under Armour building down in Trade point Atlantic. Other locations should be looked at for building solar facilities.

Mr. Schlossberg is in agreement that agricultural land should not be lost for solar facilities. Mr. Schlossberg believes that the technology is changing rapidly and the solar facilities may soon be marginalized. Solar facilities should be located in areas where impervious surfaces already exist.

Mr. Warren believes it is important to acknowledge that locating solar facilities in commercial areas is more costly than within agricultural areas. Mr. Warren does not have a strong opinion either way on where solar facilities should be located but wants the Board to be cognizant of the financial feasibility.

Mr. Phillips asked Mr. McGinnis if he can find any middle ground with land owners who have no intention of farming the land and who are looking for a second source of income, and if so under what conditions. Mr. McGinnis believes that in unusual instances where the land is not productive, different considerations can be made but more studies should be done. One policy will not cover everybody perfectly but solar facilities in remote areas may be agreeable.

Ms. Hafford explained her experience in working with farmers through the farmers market and acknowledges that these growers can be hit with hardships and may need additional income. Ms. Hafford agreed with Mr. McGinnis' position that there may be some exceptions for farms. Ms. Hafford stated that a moratorium should not be pursued right now and instead gather more information before making a judgement.

Mr. Perlow is in agreement that solar facilities should not be located in agricultural lands. The need for renewable power is acknowledged but many communities do not want them in their backyards either. Mr. Perlow cautioned the Board that solar facilities may now locate in areas not previously desired. Mr. Perlow also asked for hard and soft costs during the approval and development process, Mr. Phillips concurred.

Mr. Phillips summarized the Board's comments to be comprised in a motion. There should be an emphasis on using existing commercial lands and impervious surfaces, incentivize solar facilities to be located in business and manufacturing zones while also generally excluding solar facilities from resource conservation zones, be mindful of the rapid technological advancements within the solar industry, consider a moratorium on solar facility development, and also request that the Council begin conducting additional studies.

Mr. Phillips asked the Board if the fourteen projects which have been given approval will be included into the moratorium. The Board indicated that they would be supportive of including those facilities into the moratorium. Mr. Phillips and Mr. Herbst expressed their concerns for those that have made significant investments into those projects since they were approved under the existing law. Mr. Phillips asked staff to form a motion with the recommendations as expressed by the Board. The Board will take a vote on the Solar Facilities legislation at the next confirmed meeting.

3. Pulaski Crossing, PAI #: XI-1041, Master Plan Conflict

Ms. Jen Nugent, Department of Planning, provided a review of this project's history which were presented to the Board at the last meeting. Ms. Wolfson inquired about how mobile homes are taxed. Mr. Perlow stated that there are two ways a mobile home is taxed. Mobile homes may ground lease a location or be taxed as a manufactured home.

Mr. Herbst stated that he does not believe that the transects would constitute as a master plan conflict. Mr. Herbst believes that the transects are advisory and not binding. Mr. Phillips stated that the policy of the Planning Board is to take direction from staff for valid analysis.

Mr. Perlow believes that a project within the Growth Tier I and inside the URDL is meeting the spirit and intent of the smart growth objectives. Mr. Perlow does not find this development to be a master plan conflict.

Mr. Warren concurs that this should not be considered a master plan conflict though would prefer to not lose land for potential commercial usage. Mr. Schlossberg expressed his view that this should not be a master plan conflict after speaking with folks within the community and hearing from staff.

The Chairman called for a motion to determine the potential for a master plan conflict resulting from the development known as Pulaski Crossing. Ms. Berzins made the motion, Ms. Hafford seconded the motion which was passed at 5:09 p.m. with Ms. Wolfson and Mr. McGinnis voting against the motion. The vote determined that the Pulaski Crossing development is not a Master Plan conflict. Absent for the vote were Ms. Graf and Mr. Yaffe.

Other Business

4. Report from the June 14th, 2018 meeting of the Landmarks Preservation Commission

Mr. DelMonico reported on the June 14th, 2018 meeting of the LPC.

5. Recent County Council Legislation of Interest to the Board

Mr. DelMonico provided a brief report on the recently passed County Council legislation which are listed below.

- a) Bill 47-18 – Zoning Regulations – Manufacturing, Light (M.L.) Zone
- b) Bill 51-18 – Development – Vesting
- c) Res. 46-18 – Amending the Baltimore National Pike Commercial Revitalization District

Adjournment of the Board Meeting

Chairman Phillips called for a motion to adjourn the Board meeting. Mr. Warren made the motion and Ms. Hafford seconded the motion, which passed unanimously at 5:12 p.m. Absent for the vote were Ms. Graf and Mr. Yaffe.