



July 27, 2018

Arnold Jablon, Director
Baltimore County Department of Permits,
Approvals, and Inspections (PAI)
C/O Carl Richards, Zoning Supervisor
Baltimore County Zoning Review Office
111 West Chesapeake Avenue, Room 111
Towson, Maryland 21204

Re Zoning Spirit and Intent (S and I) Letter
Philadelphia Road Solar Array
11956 Philadelphia Road
Zoning Case 2018-0095-SPHXA
11th Election District, 6th Councilmanic District
Job No. 17031

Dear Mr. Jablon:

Daft-McCune-Walker, Inc. (DMW) represents the lessee of the referenced property, and we are responsible for the development processing, engineering, and planning of their commercial solar facility project. The facility has been recently approved via Special Exception Case Number 2018-0095-SPHXA. No appeal to the Zoning Order was filed.

After Special Exception approval and during final design, our team realized that we must erect three (3) electric utility poles that were not shown on the Plan to Accompany the Special Exception Petition. The proposed poles are clearly within the approved Special Exception Area. In addition, the solar array is being modified as part as final design and all panels are located with the Special Exception Area as well. All modifications, we feel, are immaterial and are within the scope of the Special Exception approval.

Please confirm by countersigning this letter that the addition of the 3 utility poles and modification to the solar array, all within the approved Special Exception area, are with the scope and/or spirit and intent of the approved Special Exception. With this letter, we are enclosing the red-line Special Exception plan, the Zoning Order of the referenced Special Exception, and a check for payment of the letter processing fee.

Please contact us at your earliest convenience if you have any questions. Thank you very much for your attention to this matter.

Very truly yours,

Daft-McCune-Walker, Inc.



Mitchell J. Kellman
Vice President/Director of Zoning Services

MJK/ser



W. Carl Richards, Zoning Supervisor
Agreed and Confirmed

8/13/18

Date

IN RE: PETITIONS FOR SPECIAL HEARING, *	BEFORE THE
SPECIAL EXCEPTION & VARIANCE	
(11956 Philadelphia Road) *	OFFICE OF
11 th Election District	
6 th Council District *	ADMINISTRATIVE HEARINGS
11956 Philadelphia Road, LLC	
Legal Owner *	FOR BALTIMORE COUNTY
Turning Point Energy, LLC	
Lessee *	Case No. 2018-0095-SPHXA
Petitioners	

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County for consideration of Petitions for Special Hearing, Special Exception and Variance filed on behalf of 11956 Philadelphia Road, LLC, legal owner, and Turning Point Energy, LLC, lessee (“Petitioners”).

The Petition for Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations (“B.C.Z.R”) as follows: (1) asking the Administrative Law Judge (ALJ) if the requirement for a 50 ft. setback applies to an internal property line; (2) to approve shared access for an existing farm and a proposed solar facility; and (3) to approve use of an easement to connect special exception areas. In the alternative, a Petition for Variance seeks to permit a 20 ft. setback in lieu of the required 50 ft. Finally, a Petition for Special Exception was filed to permit a solar facility in the RC 5 zone.

Appearing at the public hearing in support of the requests was Mitch Kellman. Jennifer R. Busse, Esq. represented the lessee and Howard Alderman, Esq. represented the legal owner. Doug Behr, of the Greater Kingsville Civic Association, attended the hearing to obtain additional information regarding the requests. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. Substantive Zoning Advisory Committee (ZAC)

comments were submitted by the Department of Planning (DOP), the Bureau of Development Plans Review (DPR) and the Department of Environmental Protection and Sustainability (DEPS). None of the reviewing agencies opposed the requests.

The subject property adjoins Interstate 95 to the north and Philadelphia Road (Md. Route 7) to the south. The site is approximately 23.55 acres in size and is zoned RC-5. The property is improved with a single-family dwelling and agricultural outbuildings (which constitute a “farm” under the B.C.Z.R.), which will remain on site. Petitioners propose to operate a solar facility on approximately 16 acres of the site, which is bisected by high-voltage power lines owned by Baltimore Gas & Electric (BGE).

Special Exception

Under Maryland law, a special exception use enjoys a presumption that it is in the interest of the general welfare, and therefore, valid. *Schultz v. Pritts*, 291 Md. 1 (1981). The *Schultz* standard was revisited in *Attar v. DMS Tollgate, LLC*, 451 Md. 272, (2017), where the court of appeals discussed the nature of the evidentiary presumption in special exception cases. The court again emphasized a special exception is properly denied only when there are facts and circumstances showing that the adverse impacts of the use at the particular location in question would be above and beyond those inherently associated with the special exception use.

Mr. Kellman testified Petitioners satisfy the requirements of B.C.Z.R. §502.1, and he believes this is an “ideal location” for the facility. He noted the site is adjacent to I-95 and a BGE electric substation, and he believed the landscaping proposed would screen the solar facility from view of motorists and/or pedestrians. This appears to be the first hearing seeking approval for a solar facility in the 6th Council district, and Mr. Kellman confirmed the property is not subject to an agricultural or preservation easement. He also advised none of the roadways adjoining the site

are designated as scenic. Based on this testimony and the exhibits presented, and in the absence of any evidence to the contrary, the petition for special exception will be granted.

Special Hearing

The petition for special hearing primarily concerns whether the 50 ft. “tract boundary” setback requirement found in B.C.Z.R. §4E-104 applies to an internal lot line at the site. As Mr. Kellman explained, the subject property is bisected by a strip of land owned in fee simple by BGE, on which are located high-voltage power lines and support structures. BGE will grant to Petitioners an easement so they may travel across this strip while constructing and/or operating the solar facility. In these circumstances, the bisecting strip/road does not create separate parcels for development and zoning purposes. *Freeland Comm. Ass’n v. HZ Props., LLC*, Ct. Special Appeals (9/16/2016, unreported). As such, the internal property lines created by the BGE strip are not considered “tract boundaries,” and a variance is not required to locate the solar panels 20 feet from these lines.

The other aspect of the special hearing concerns the use of a shared access driveway. The driveway, which is shown on the redlined site plan (Ex. 3), would be used by the existing resident and the solar facility. Nothing in the law prohibits such an arrangement, and with the exception of construction traffic accompanying the installation of the panels there will be little or no vehicular traffic using the drive to access the solar facility. As such this aspect of the petition for special hearing will also be granted.

THEREFORE, IT IS ORDERED this **29th** day of **December, 2017**, by this Administrative Law Judge, that the Petition for Special Hearing filed pursuant to § 500.7 of the Baltimore County Zoning Regulations (“B.C.Z.R.”): (1) to determine the requirement for a 50 ft. setback does not apply to an internal property line; (2) to approve shared access for an existing farm and a proposed

solar facility; and (3) to approve use of an easement to connect special exception areas, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Special Exception to permit a solar facility in the RC 5 zone, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Variance to permit a 20 ft. setback in lieu of the required 50 ft., be and is hereby DISMISSED WITHOUT PREJUDICE..

The relief granted herein shall be subject to the following:

1. Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioners would be required to return the subject property to its original condition.
2. No lighting or signage (with respect to the solar facility) shall be installed at the property.
3. No trees shall be removed from the site in connection with the construction and/or operation of the solar facility.
4. Petitioners must submit for approval by Baltimore County (with a copy to the Greater Kingsville Civic Association, Inc.) a landscape plan for the site.
5. Petitioners must comply with the ZAC comment submitted by the DEPS, a copy of which is attached hereto.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.

Signed
JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:sln

IN RE: PETITIONS FOR SPECIAL HEARING, *
SPECIAL EXCEPTION & VARIANCE
(11956 Philadelphia Road) *
11th Election District
6th Council District
11956 Philadelphia Road, LLC
Legal Owner
Turning Point Energy, LLC
Lessee
Petitioners

BEFORE THE
OFFICE OF
ADMINISTRATIVE HEARINGS
FOR BALTIMORE COUNTY
Case No. 2018-0095-SPHXA

* * * * *

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Substantive Zoning Advisory Committee (ZAC)
ORDER RECEIVED FOR FILING

Date 12/29/17

By sen

comments were submitted by the Department of Planning (DOP), the Bureau of Development Plans Review (DPR) and the Department of Environmental Protection and Sustainability (DEPS). None of the reviewing agencies opposed the requests.

The subject property adjoins Interstate 95 to the north and Philadelphia Road (Md. Route 7) to the south. The site is approximately 23.55 acres in size and is zoned RC-5. The property is improved with a single-family dwelling and agricultural outbuildings (which constitute a “farm” under the B.C.Z.R.), which will remain on site. Petitioners propose to operate a solar facility on approximately 16 acres of the site, which is bisected by high-voltage power lines owned by Baltimore Gas & Electric (BGE).

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By

sen

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IT IS FURTHER ORDERED that the Petition for Variance to permit a 20 ft. setback in lieu of the required 50 ft., be and is hereby DISMISSED WITHOUT PREJUDICE..

The relief granted herein shall be subject to the following:

1. Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioners would be required to return the subject property to its original condition.
2. No lighting or signage (with respect to the solar facility) shall be installed at the property.
3. No trees shall be removed from the site in connection with the construction and/or operation of the solar facility.
4. Petitioners must submit for approval by Baltimore County (with a copy to the Greater Kingsville Civic Association, Inc.) a landscape plan for the site.
5. Petitioners must comply with the ZAC comment submitted by the DEPS, a copy of which is attached hereto.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:sln

ORDER RECEIVED FOR FILING

Date 12/29/17
By sen



PETITION FOR ZONING HEARING(S)

Flood

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

Address 11956 Philadelphia Road, Kingsville, MD 21087 which is presently zoned RC-5

Deed References: Liber 33390, Folio 1

10 Digit Tax Account # 1 1 0 7 0 8 3 3 2 5

Property Owner(s) Printed Name(s) 11956 Philadelphia Road LLC

(SELECT THE HEARING(S) BY MARKING X AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

1. ☒ **a Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

2. ☒ **a Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for

3. ☒ **a Variance** from Section(s)

please see attached
please see attached
please see attached

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons:
(Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

To be presented at hearing

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

Legal Owner(s) Affirmation: I / we do so solemnly declare and affirm, under the penalties of perjury, that I / We are the legal owner(s) of the property which is the subject of this / these Petition(s).

Contract Purchaser/Lessee:

Turning Point Energy LLC

Name -- Type or Print

Signature

747 S Corona Street, Suite 100, Denver, CO

Mailing Address City State

80209/ 785-393-6505/ mgreczyn@altisenergy.com

Zip Code Telephone # Email Address

Attorney for Petitioner:

Jennifer R. Busse, Esquire

Name- Type or Print

Signature

Whiteford, Taylor & Preston

1 W. Pennsylvania Ave., Ste. 300, Towson MD

Mailing Address City State

21204 /410-832-2077/ jbusse@wtplaw.com

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

11956 Philadelphia Road LLC

Name #1 -- Type or Print

Name #2 -- Type or Print

Signature #1

Signature # 2

12140 Pulaski Highway, Baltimore, MD

Mailing Address City State

21085

Zip Code Telephone # Email Address

Representative to be contacted:

Howard L. Alderman, Jr., Esq. / Jennifer R. Busse, Esq.

Name -- Type or Print

Signature

Nottingham Centre 8th Floor 502 Washington Ave., Towson, MD

Mailing Address City State

21204 / 410-321-0600 / halderman@levingann.com

Zip Code Telephone # Email Address

CASE NUMBER

2018-0095-SPHXA Filing Date *9/27/17*

Do Not Schedule Dates:

Reviewer *AT*

ORDER RECEIVED FOR FILING REV. 10/4/11

Date

12/29/17

By

pen

Attachment to Zoning Petitions

11956 Philadelphia Road

Petition for Special Exception to permit a solar facility in the RC5 zone.

Petition for Variance to permit a 20' setback in lieu of the required 50', if necessary.

Petition for Special Hearing asking the Administrative Law Judge if the requirement for a 50' setback applies to an internal property line.

Petition for Special Hearing to approve shared access for an existing farm and a proposed solar facility.

Petition for Special Hearing to approve use of easement to connect special exception areas.

And any other relief as deemed necessary.

448844

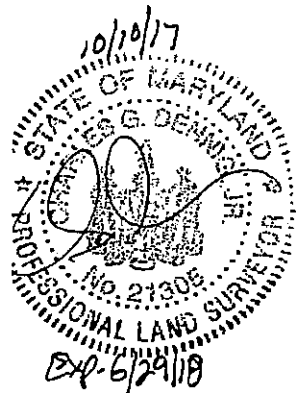
2018-0095-SPHX A

Revision 2018-0095
SPHXA



ARCHITECTURE
ENGINEERING

PLANNING OUR
CLIENT'S SUCCESS



BECKER MORGAN GROUP, INC.

ARCHITECTURE & ENGINEERING

PORT EXCHANGE, SUITE 300
312 WEST MAIN STREET
SALISBURY, MD 21801
410.546.9100
FAX 410.546.5824

109 SOUTH GOVERNORS AVENUE
DOVER, DE 19904
302.734.7950
FAX 302.734.7965

ARCHITECTURE & PLANNING

SUITE 211
3205 RANDALL PARKWAY
WILMINGTON, NC 28403
910.341.7600
FAX 910.341.7506

www.beckermorgan.com

Legal Description

Lands of 11956 Philadelphia Road, LLC
Special Exception, Variance and Special Hearing Area
Tax Map 64 Parcel 205
Deed Book 33390 Folio 1

Real property in Baltimore County, State of Maryland, more particularly described as follows:

Commencing for this description at a found Iron Axle on the easterly line of this parcel and the line now or formerly of Stephen W. Huber, Sr., et.al., said Iron Axle being N 22°15'01"W 41.00' from the center of Philadelphia Road as originally paved with concrete fifteen feet in width, thence S 22°15'01"E 11.91' to a point on the northerly right of way line of Philadelphia Road and the point of beginning for this description. Thence from said point of beginning and with the northerly right of way line of Philadelphia Road the following five (5) courses;

- 1) S 68°09'34"W 99.97' to a point; 2) S 68°10'28"W 112.10' to a point;
- 3) S 70°31'31"W 55.82' to a point; 4) S 73°50'05"W 56.27' to a point;
- 5) S 76°53'01"W 46.99' to a point;

Thence leaving said right of way line and across the lands of 11956 Philadelphia Road, LLC (Parcel 205), 6) N 10°54'03"W 111.55' to a point; thence 7) N 07°30'07"W 130.26' to a point; thence 8) N 00°00'00"E 157.88' to a point; thence 9) N 64°14'18"W 70.43' to a point; thence 10) N 44°49'39"W 49.38' to a point; thence 11) S 75°18'46"W 590.89' to a point; thence 12) N 39°14'43"W 156.88' to a point; thence 13) N 00°00'00"E 133.06' to a point on the line of this parcel and the southerly line of the lands of Baltimore Gas & Electric Co. as described in deed book 5449 folio 239; thence with the aforesaid lands of Baltimore Gas & Electric Co. and this parcel 14) S 75°18'46"W 92.55' to a point; thence crossing the aforesaid lands of Baltimore Gas & Electric 15) N 49°43'41"W 109.92' to a point on the northerly line of the aforesaid lands of Baltimore Gas & Electric Co. and the south west corner of the northerly portion of this parcel (parcel 205); thence with the westerly line of this parcel and the easterly line of other lands of Baltimore Gas & Electric Co. 16) N 39°14'43"W 324.48' to a point; thence leaving the lands of Baltimore Gas & Electric Co. and across the lands of 11956 Philadelphia Road, LLC (parcel 205) 17) N 61°58'07"E 314.86' to a point; thence 18) N 76°36'11"E 330.44' to a point; thence 19) N 52°21'11"E 129.38' to a point; thence 20) S 75°44'30"E 132.61' to a point; thence 21) S 33°36'43"E 231.86' to a point; thence 22) S 40°14'34"E 64.38' to a point; thence 23) S 67°44'09"E 65.39' to a point; thence crossing the aforesaid lands of Baltimore Gas & Electric Co. 24) S 64°41'23"E 186.57' to a point on the southerly line of the aforesaid lands of Baltimore Gas & Electric Co.; thence 25) S 51°10'00"E 62.18' to point, said point being the Northwest corner of the lands of Stephen W. Huber, et.al., as described in deed book 12205 folio 435; thence with the lands of Stephen W. Huber, et.al. 26) S 22°20'52"E 353.44' to a found iron pipe and the Northwest corner of the lands of Stephen W. Huber, Sr., et.al., as described in deed book 25952 folio 680; thence with the lands of Stephen W. Huber, Sr., et.al. 27) S 22°15'01"E and crossing over the aforesaid found iron axle 324.39' to the Point of Beginning.

Containing within these metes and bounds 18.46 acres more or less. Saving and excepting herefrom 1.96 acres, being the Lands now or formerly of Baltimore Gas & Electric Co. The net acreage to be included in the Special Exception request is 16.50 acres more or less.



501 N. Calvert St., P.O. Box 1377
Baltimore, Maryland 21278-0001
tel: 410/332-6000
800/829-8000

WE HEREBY CERTIFY, that the annexed advertisement of Order No 5313811

Sold To:

Whiteford-Taylor & Preston LLP - CU00187154
1 W Pennsylvania Ave Ste 300
TOWSON,MD 21204

Bill To:

Whiteford-Taylor & Preston LLP - CU00187154
1 W Pennsylvania Ave Ste 300
TOWSON,MD 21204

Was published in "Jeffersonian", "Bi-Weekly", a newspaper printed and published in Baltimore County on the following dates:

Nov 28, 2017

NOTICE OF ZONING HEARING

The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: # 2018-0095-SPHXA
11956 Philadelphia Road
N/s Philadelphia Road, n/e corner of intersecting streets of Philadelphia & Raphael Roads
11th Election District - 6th Councilmanic District
Legal Owner(s) 11956 Philadelphia Road, LLC
Contract Purchaser/Lessee: Turning Point Energy, LLC

Special Hearing asking the Administrative Law Judge if the requirement for a 50 ft. setback applies to an internal property line. To approve a shared access for an existing farm and a proposed solar facility; to approve use of easement to connect Special Exception areas; and any other relief as deemed necessary. Special Exception to permit a solar facility in the RC 5 zone. Variance to permit a 20 ft. setback in lieu of the required 50 ft. if necessary.

Hearing: Monday, December 18, 2017 at 1:30 p.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

ARNOLD JABLON, DIRECTOR OF PERMITS, APPROVALS AND INSPECTIONS FOR BALTIMORE COUNTY

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Administrative Hearings Office at (410) 887-3868.
(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT 11/728 November 28 5313811

The Baltimore Sun Media Group

By *S. Wilkinson*

Legal Advertising

CERTIFICATE OF POSTING

Date: _____

RE: Case Number: 2018-0095 SPHXA

Petitioner/Developer: 11956 Philadelphia Rd LLC

Date of Hearing/Closing: 12-18-17 1:30 PM

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 11956 Philadelphia Rd

The sign(s) were posted on 11-24-17

ZONING NOTICE

CASE # 2018-0095-SPHXA

**A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD**

JEFFERSON BLDG, TOWSON 21204
PLACE: 105 W CHESAPEAKE AVE, ROOM 205

DATE AND TIME: MON, DEC. 18, 2017 1:30 PM

REQUEST: SPECIAL HEARING ASKING THE ADMIN-

ISTRATIVE LAWYER IF THE REQUIREMENT FOR A 50 FT
SETBACK APPLIES TO AN INTERNAL PROPERTY LINE TO AFFORD
A SHARED ACCESS FOR AN EXISTING FARM AND A PROPOSED SOLAR
FACILITY TO APPROVE USE OF EASEMENT TO CONNECT SPECIAL
EXCEPTION AREAS TO THE OTHER FARMER AS DEEMED NECESSARY.

SPECIAL EXCEPTION TO PERMIT A SOLAR FACILITY IN THE RE-5 ZONE
VARIANCE TO PERMIT A 20 FT SETBACK INSTEAD OF THE REQUIRED
50 FT IF NECESSARY.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING, UNDER PENALTY OF LAW
HANDICAPPED ACCESSIBLE



KEVIN KAMENETZ
County Executive

October 30, 2017

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

NOTICE OF ZONING HEARING

The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2018-0095-SPHXA

11956 Philadelphia Road

N/s Philadelphia Road, n/e corner of intersecting streets of Philadelphia & Raphel Roads

11th Election District – 6th Councilmanic District

Legal Owners: 11956 Philadelphia Road, LLC

Contract Purchaser/Lessee: Turning Point Energy, LLC

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105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

AJ:kl

C: Jennifer Busse, 1 W. Pennsylvania Avenue, Ste. 300, Towson 21204
Howard Alderman, Jr., 502 Washington Avenue, 8th Floor, Towson 21204
Turning Point Energy, LLC, 747 S. Corona Street, Ste. 100, Denver CO 80209
11985 Philadelphia Road, LLC, 12140 Pulaski Highway, Baltimore 21085

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, NOVEMBER 28, 2017.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, November 28, 2017 Issue - Jeffersonian

Please forward billing to:

Jennifer Busse
Whiteford, Taylor & Preston
1 W. Pennsylvania Avenue, Ste. 300
Towson, MD 21204

410-832-2077

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11956 Philadelphia Road

N/s Philadelphia Road, n/e corner of intersecting streets of Philadelphia & Raphel Roads

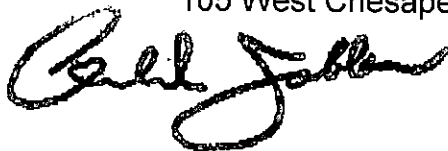
11th Election District – 6th Councilmanic District

Legal Owners: 11956 Philadelphia Road, LLC

Contract Purchaser/Lessee: Turning Point Energy, LLC

Special Hearing asking the Administrative Law Judge if the requirement for a 50 ft. setback applies to an internal property line. To approve a shared access for an existing farm and a proposed solar facility; to approve use of easement to connect Special Exception areas; and any other relief as deemed necessary. Special Exception to permit a solar facility in the RC 5 zone. Variance to permit a 20 ft. setback in lieu of the required 50 ft., if necessary.

Hearing: Monday, December 18, 2017 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon

Director of Permits, Approvals and Inspections for Baltimore County

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

RE: PETITION FOR SPECIAL HEARING * BEFORE THE OFFICE
SPECIAL EXCEPTION AND VARIANCE
11956 Philadelphia Rd; N/S Philadelphia Rd, * OF ADMINISTRATIVE
NE corner of Philadelphia & Raphel Roads * HEARINGS FOR
11th Election & 6th Councilmanic Districts *
Legal Owner(s): 11956 Philadelphia Road LLC
Contract Purchasers: Turning Point Energy LLC* BALTIMORE COUNTY
& TPE Maryland Solar Land Holdings, LLC
Petitioner(s) * 2018-095-SPHXA

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel* for Baltimore County as an interested party in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

RECEIVED

OCT 12 2017

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 12th day of October, 2017, a copy of the foregoing Entry of Appearance was mailed to Howard Alderman, Esquire, 502 Washington Avenue, 8th Floor, Towson, Maryland 21204 and Jennifer Busse, Esquire, 1 West Pennsylvania Avenue, Suite 300, Towson, Maryland 21204, Attorneys for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

**DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the legal owner/petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least twenty (20) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the legal owner/petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Case Number: 2018-0095-SPHYA
Property Address: 11956 Philadelphia ~~Ave.~~ Road
Property Description: _____

Legal Owners (Petitioners): 11956 Philadelphia Road, LLC
Contract Purchaser/Lessee: Turning Point Energy, LLC

PLEASE FORWARD ADVERTISING BILL TO:

Name: Jennifer Busse, Esq.
Company/Firm (if applicable): Whiteford, Taylor & Preston
Address: One W. Pennsylvania Ave.
Suite 300
Towson MD 21204
Telephone Number: 410 832 2077

№ 157266

Date:

9/27/17

PAID RECEIPT

BUSINESS	ACTUAL	TIME	IRG
9/28/2017	9/27/2017	11:11:42	2

REG 0502 WALKIN JEE
 >>RECEIPT # 029813 9/27/2017 OFLN

Dept 5 528 ZONING VERIFICATION
CR NO. 157264

Recpt Tot \$1,200.00

\$1,200.00 .CK \$.00 CA
Baltimore County, Maryland

[illegible]

Total:

1/200

Rec
From:

För:

11956 PHILADELPHIA RD

2018-0095 ~~X~~ SPHXA

DISTRIBUTION.

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
VALIDATION**



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
*Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections*

December 14, 2017

11956 Philadelphia Road LLC
12140 Pulaski Highway
Baltimore MD 21085

RE: Case Number: 2018-0095-SPHXA, Address: 11956 Philadelphia Road

To Whom It May Concern:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on September 27, 2017. This letter is not an approval, but only a **NOTIFICATION**.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
Turning Point Energy LLC, 747 S Corona Street, Suite 100, Denver CO 80209
Jennifer R Busse, Esquire, 1 W Pennsylvania Avenue, Suite 300, Towson MD 21204
Howard L Alderman, Esquire, 502 Washington Avenue, 8th Floor, Towson MD 21204

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

OCT 20 2017

OFFICE OF
ADMINISTRATIVE HEARINGS

TO: Hon. Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (EPS) - Development Coordination

DATE: October 20, 2017

SUBJECT: DEPS Comment for Zoning Item # 2018-0095-SPHXA
Address 11956 Philadelphia Road
(11956 Philadelphia Road, LLC
Property)

Zoning Advisory Committee Meeting of October 16, 2017.

X The Department of Environmental Protection and Sustainability offers the following comments on the above-referenced zoning item:

- X Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).
- X Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

Additional Comments:

1. Construction and operation of this solar facility must comply with the Baltimore County Zoning Regulations, Article 4E, Sections 104, 106, and 107 of County Code, in that all onsite streams, wetlands, associated buffers, and forest shall be adequately protected.
2. Solar panels are shown in an area of wetlands and associated buffer. A wetland delineation using the current wetland methodology and data sheets must be submitted and approved, and any impacts to wetlands and buffers must have an approved variance.

ORDER RECEIVED FOR FILING

C:\Users\dwiley\AppData\Local\Microsoft\Windows\Temporary Internet
Files\Content.Outlook\DXWB6LKP\ZAC 18-0095-SPHXA-EIR.doc

Date

By

12/29/17

SEN

Date: 10/10/17

Ms. Kristen Lewis
Baltimore County Department of
Permits, Approvals & Inspections
County Office Building, Room 109
Towson, Maryland 21204

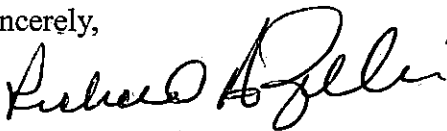
Dear Ms. Lewis:

We have reviewed the site plan to accompany petition for variance on the subject of the Case number referenced below, which was received on 10/10/17. A field inspection and internal review reveals that an entrance onto MD 7 consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for

Variance, Case Number 2018-0095-SPHXA
Special Exception, Special Hearing, Variance
11956 Philadelphia Road LLC
11956 Philadelphia Road
MD 7

Should you have any questions regarding this matter feel free to contact Richard Zeller at 410-229-2332 or 1-866-998-0367 (in Maryland only) X 2332 or by email at (rzeller@sha.state.md.us).

Sincerely,



Wendy Wolcott, P.L.A.
Metropolitan District Engineer
Maryland Department of Transportation
State Highway Administration
District 4 - Baltimore and Harford Counties

WW/RAZ

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: 10/27/2017

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 18-095



INFORMATION:

Property Address: 11956 Philadelphia Road
Petitioner: 11956 Philadelphia Road LLC
Zoning: RC 5
Requested Action: Special Hearing, Special Exception, Variance

The Department of Planning has reviewed the petition for a special hearing to determine whether or not the Administrative Law Judge consider if the requirement for a 50' setback applies to an internal property line, to approve shared access for an existing farm and proposed solar facility and to approve use of an easement to connect the special exception areas. The Department also reviewed the petition for special exception to use the property for a solar facility and the petition for variance to permit a 20 foot setback in lieu of the required 50 feet.

A site visit was conducted on October 12, 2017.

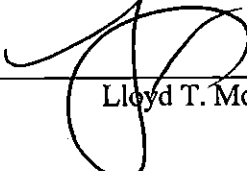
The Department has no objection to granting the petitioned zoning relief conditioned upon the following;

- The plan shows internal roads throughout. Petitioners shall amend the plan to clearly demonstrate the location of the proposed shared access being the subject of the petition.
- The Department will only support a 20 foot setback from the internal property lines in common with the BGE property.
- Petitioners shall certify by note on the plan that the proposed solar facility will not exceed the maximum permitted number of facilities allowed in its respective councilmanic district. If approved, petitioners shall submit to the Department of Planning at the time of building permit application, the final fixed location and area of the facility by coordinate data so that it may be mapped.
- Petitioners shall demonstrate to the satisfaction of the Administrative Law Judge that they have the right to transverse the BGE property.
- Pursuant to BCZR §502.1.A, petitioners shall demonstrate to the satisfaction of the Administrative Law Judge that the facility will not be detrimental to the adjacent residential properties as a result of glare emanating from the facility.
- Lighting shall be limited to what is required for security purposes only and will be sited in such a way as to have minimal spillage onto neighboring properties.
- Signage shall be limited to that which is necessary for safety and security purposes

- No deliveries or outdoor maintenance which may generate excessive noise may occur on-site between the hours of 6 P.M. through 6 A.M.

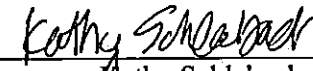
For further information concerning the matters stated herein, please contact Kaylee Justice at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlabach

AVA/KS/LTM/ka

c: Kaylee Justice
Howard L. Alderman, Jr., Esquire
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

OCT 20 2017

OFFICE OF
ADMINISTRATIVE HEARINGS

TO: Hon. Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (EPS) - Development Coordination

DATE: October 20, 2017

SUBJECT: DEPS Comment for Zoning Item # 2018-0095-SPHXA
Address 11956 Philadelphia Road
(11956 Philadelphia Road, LLC
Property)

Zoning Advisory Committee Meeting of **October 16, 2017**.

X The Department of Environmental Protection and Sustainability offers the following comments on the above-referenced zoning item:

- X Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).
- X Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

Additional Comments:

1. Construction and operation of this solar facility must comply with the Baltimore County Zoning Regulations, Article 4E, Sections 104, 106, and 107 of County Code, in that all onsite streams, wetlands, associated buffers, and forest shall be adequately protected.
2. Solar panels are shown in an area of wetlands and associated buffer. A wetland delineation using the current wetland methodology and data sheets must be submitted and approved, and any impacts to wetlands and buffers must have an approved variance.

Reviewer: Regina Esslinger

Date: October 19, 2017

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections

DATE: November 1, 2017

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For October 30, 2017
Item No. 2018-0095-SPHXA (Revised Site Plan)

The Bureau of Development Plans Review has reviewed the subject zoning items and we have the following comments.

If Special Exception, Special Hearing and Zoning Relief is granted, a landscape plan is required per the requirement of the Landscape Manual and Bill No. 37-17. Specific landscape comments:

1. Perimeter landscape buffers are required,
2. Per 4E-104 Requirements A6 - Landscape Buffer shall be provided around the perimeter of any portion of a solar facility that is visible from an adjacent residentially used property or a public street. And A 7 – Security fencing shall be provided between the landscaping buffer and the solar facility. Additional landscape buffer area needs to be provided along the Existing 60' Right of Way & Easement for Baltimore City Water Conduit in the North Special Exception Area to allow room for landscape buffer planting.
3. Additional landscape buffers may be required depending on the adjacent and subject properties topography,
4. Additional strip landscape buffers may be required to address existing topography changes. The plans that were circulated and dated 9-20-17 were insufficient with respect to readability of a number of the existing site conditions including existing onsite and adjacent property information i.e. topo, topo elevation, etc.
5. More comments may be rendered during review of the landscape plan.
6. Proposed perimeter fence shall be black vinyl-coated chain-link fence.
7. No Landscape Plan was submitted for review with zoning package.
8. Additional site plan information is needed.

*

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*

VKD: CEN
cc: file

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections

FROM: *VKD*
Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For October 16, 2017
Item No. 2018-0095-SPHXA

DATE: October 13, 2017

The Bureau of Development Plans Review has reviewed the subject zoning items and we have the following comments.

If Special Exception, Special Hearing and Zoning Relief is granted, a landscape plan is required per the requirement of the Landscape Manual and Bill No. 37-17. Specific landscape comments:

1. Perimeter landscape buffers are required,
2. Per 4E-104 Requirements A6 - Landscape Buffer shall be provided around the perimeter of any portion of a solar facility that is visible from an adjacent residentially used property or a public street. And A 7 – Security fencing shall be provided between the landscaping buffer and the solar facility. Additional landscape buffer area needs to be provided along the Existing 60' Right of Way & Easement for Baltimore City Water Conduit in the North Special Exception Area to allow room for landscape buffer planting.
3. Additional landscape buffers may be required depending on the adjacent and subject properties topography,
4. Additional strip landscape buffers may be required to address existing topography changes. The plans that were circulated and dated 9-20-17 were insufficient with respect to readability of a number of the existing site conditions including existing onsite and adjacent property information i.e. topo, topo elevation, etc.
5. More comments may be rendered during review of the landscape plan.
6. Proposed perimeter fence shall be black vinyl-coated chain-link fence.
7. No Landscape Plan was submitted for review with zoning package.
8. Additional site plan information is needed.

*

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VKD: CEN
cc: file

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: 10/27/2017

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 18-095

INFORMATION:

Property Address: 11956 Philadelphia Road
Petitioner: 11956 Philadelphia Road LLC
Zoning: RC 5
Requested Action: Special Hearing, Special Exception, Variance

The Department of Planning has reviewed the petition for a special hearing to determine whether or not the Administrative Law Judge consider if the requirement for a 50' setback applies to an internal property line, to approve shared access for an existing farm and proposed solar facility and to approve use of an easement to connect the special exception areas. The Department also reviewed the petition for special exception to use the property for a solar facility and the petition for variance to permit a 20 foot setback in lieu of the required 50 feet.

A site visit was conducted on October 12, 2017.

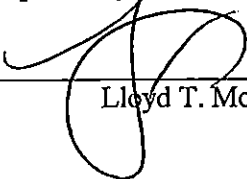
The Department has no objection to granting the petitioned zoning relief conditioned upon the following;

- The plan shows internal roads throughout. Petitioners shall amend the plan to clearly demonstrate the location of the proposed shared access being the subject of the petition.
- The Department will only support a 20 foot setback from the internal property lines in common with the BGE property.
- Petitioners shall certify by note on the plan that the proposed solar facility will not exceed the maximum permitted number of facilities allowed in its respective councilmanic district. If approved, petitioners shall submit to the Department of Planning at the time of building permit application, the final fixed location and area of the facility by coordinate data so that it may be mapped.
- Petitioners shall demonstrate to the satisfaction of the Administrative Law Judge that they have the right to transverse the BGE property.
- Pursuant to BCZR §502.1.A, petitioners shall demonstrate to the satisfaction of the Administrative Law Judge that the facility will not be detrimental to the adjacent residential properties as a result of glare emanating from the facility.
- Lighting shall be limited to what is required for security purposes only and will be sited in such a way as to have minimal spillage onto neighboring properties.
- Signage shall be limited to that which is necessary for safety and security purposes

- No deliveries or outdoor maintenance which may generate excessive noise may occur on-site between the hours of 6 P.M. through 6 A.M.

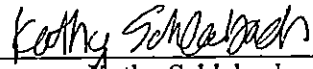
For further information concerning the matters stated herein, please contact Kaylee Justice at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlabach

AVA/KS/LTM/ka

c: Kaylee Justice
Howard L. Alderman, Jr., Esquire
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (EPS) - Development Coordination

DATE: October 20, 2017

SUBJECT: DEPS Comment for Zoning Item # 2018-0095-SPHXA
Address 11956 Philadelphia Road
(11956 Philadelphia Road, LLC
Property)

Zoning Advisory Committee Meeting of **October 16, 2017**.

X The Department of Environmental Protection and Sustainability offers the following comments on the above-referenced zoning item:

- X Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).
- X Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

Additional Comments:

1. Construction and operation of this solar facility must comply with the Baltimore County Zoning Regulations, Article 4E, Sections 104, 106, and 107 of County Code, in that all onsite streams, wetlands, associated buffers, and forest shall be adequately protected.
2. Solar panels are shown in an area of wetlands and associated buffer. A wetland delineation using the current wetland methodology and data sheets must be submitted and approved, and any impacts to wetlands and buffers must have an approved variance.

Reviewer: Regina Esslinger

Date: October 19, 2017

DATE _____

2018-0095

PETITIONER'S SIGN-IN SHEET

NAME

ADDRESS

CITY, STATE, ZIP

E - MAIL

Michael Greczyn

301 S. Belmont Ave.

Lafayette, CO 80026

mgreczyn@altisenergy.com

JAMES MARSHALL

3039 CHICAGO ST

SAN DIEGO CA 92117

marshall@yahoo.com

Scleroma

8731 e olive

Scottsdale, AZ 85251

Smaini@tpoint-e.com

Alexander K. Mendelson

7412 Cedar Avenue, , , , STE

Takoma Park, MD 20912

amendelson@tpoint-e.c

Howard Adelman

Levi & Co. 502 Washington Ave 800
2

Tolson 21204

halderman & Jennings

With Kellman

501 Fairmount Ave, Suite 300

Town 21286

W/E Home & Home. com

DATE 12-18-2017

2018-0095

CITIZEN'S SIGN - IN SHEET

E - MAIL

Ginny Terhune DOUG BEHR (GKCA)	East County Times 7451 BALDWIN RD P.O. Box 221	Kingsville, MD 21087	terhunevirginia@gmail.com dbehv@jhu.edu
--------------------------------------	--	----------------------	--

26

1

John E. Beverungen

From: John E. Beverungen
Sent: Friday, January 19, 2018 12:22 PM
To: 'Busse, Jennifer R.'
Cc: 'dbehr@jhu.edu'; Sherry Nuffer (snuffer@baltimorecountymd.gov)
Subject: Case 2018-0095 Solar Facility

Ms. Busse,

I am in receipt of your e-mail and attachments concerning the above matter. I have reviewed those materials and am willing to clarify Condition No. 3 in the order issued in the above case.

As you have requested, Condition No. 3 on page 4 of the December 29, 2017 order shall be clarified to read as follows:

3. "No trees shall be removed from the site in connection with the construction and/or operation of the solar facility which either materially alter the existing screening provided for adjacent residential uses, or materially alter the existing screening provided for pedestrians and vehicles traveling on Philadelphia Road."

All other terms and conditions of the December 29, 2017 order shall continue in full force and effect. A copy of your email, and this response, will be included in the case file.

John Beverungen
ALJ

John E. Beverungen

From: Busse, Jennifer R. <jbusse@wtplaw.com>
Sent: Thursday, January 18, 2018 1:56 PM
To: John E. Beverungen
Cc: Doug Behr; Mike Greczyn; Mitchell "Mitch" Kellman (mkellman@dmw.com)
Subject: Request for Letter of Clarification in Case # 2018-0095-SPHXA
Attachments: 17031_LA_50 Scale Aerial.pdf; RE: Phila Rd solar site; 17031.0 (Rt. 7 Solar Array) 1.17.18 Field Meeting.pdf

Hello Judge Beverungen:

I need to respectfully request clarification of Condition #3 in the Order for Case 2018-0095-SPHXA (11956 Philadelphia Road solar facility).

Doug Behr is copied on this email, as he attended the hearing as an interested citizen.

Mr. Behr and I both expect that the intent behind Condition #3 was to preserve the character of the area and to minimize visibility of the facility, especially along Philadelphia Road.

My client does not have a concern with Condition #3 as it relates to this intention and as discussed at the hearing, does not need to remove vegetation along Philadelphia Road.

However, there are 2 areas, as shown on the attached aerial and circled in blue, in which vegetation needs to be removed to accommodate the solar facility.

My apology if I failed to better explain all of this during the hearing.

The area in the middle where vegetation needs to be removed (south of the BGE overhead lines) is the small wetland area discussed at the hearing, and if the approval is obtained from DEPS, vegetation will be removed in that area to permit the area to be used for the solar facility.

The area near the adjacent BGE parcel (on the left side of the aerial, on the western side of the site, south of the BGE overhead lines) also contains some vegetation which will need to be removed to permit the area to contain solar panels.

The area in the middle will not be visible from off the site.

The area on the left (the western side) is inside other existing plantings which for the most part can remain, as well as additional proposed plantings, as documented on the preliminary landscape plan which was also reviewed at the hearing.

After a site visit yesterday, attended by Mr. Behr, Mr. Kellman and a landscape architect from DMW, Mr. Behr informed me that he has no problem with the need to remove the vegetation in the areas identified on the attached aerial.

He also informed me that he would prefer that to the extent possible, as much of the existing vegetation outside of (to the southwest of) the area where vegetation does need to be removed (the larger of the two blue circled areas on the attached aerial), remain; instead of being removed and replaced with new landscape material.

A copy of our email correspondence is attached hereto.

Also attached is a portion of the drafted landscape plan marked up with notations from the site visit.

My client is willing to adjust the solar panel layout as necessary, and DMW will incorporate Mr. Behr's desires in seeking approval from Baltimore County of the landscape plan, thus ensuring that on the property controlled by my client, as much as possible of the existing vegetation on the southwest corner of the site remain.

Therefore, we respectfully request that Condition #3 be clarified and we suggest the following language:

"No trees shall be removed from the site in connection with the construction and/or operation of the solar facility which either materially alter the existing screening provided for adjacent residential uses, or materially alter the existing screening provided for pedestrians and vehicles traveling on Philadelphia Road."

Thank you very much for your attention to this matter.

Attachments:

- 1) aerial showing 2 blue circles identifying the areas where vegetation needs to be removed;
- 2) email correspondence with Mr. Behr; and
- 3) marked up portion of drafted landscape plan.



Whiteford | Taylor | Preston."

Jennifer R. Busse | *Partner*

Towson Commons, Ste. 300 | One West Pennsylvania Avenue | Towson, MD | 21204-5025

t: 410.832.2077 | f: 410.339.4027

jbusse@wtplaw.com | [Bio](#) | [vCard](#) | http://secure-web.cisco.com/1cyQ1xcdTkMUzCqbnmenPCF1Z4hwzQapVnf-QhS3VrefAOIi5fsalZ9XJNAn2_2QoFPzJil7GSp3n2v9GZPDO5KogehSMXEOb4B5LT-iUS90Ot1TgDi-WoDJK9GbUWJ8UjhxdRQi3SlwB15kmiWFg8cOQjnu_yiQU7DD3sZ91U8zH0vPZTVvfUNC22PJIN6q6fHLBPckU9pTjFkPFhsqof6FHf0KicYwOb7KQWfcszGUdOCR9XhfQ-TmewneOjIhJWI2zdG43sAXftkAMNtRsa-WY3cq4D3ZFdOgRn2vZ8W9IPzAf8TcOaeEJRvgTII1IgyHPKvY85SEtVpA-iP5tvGkSHEwE8ZIAZumiJWA5gEpUsIsFqiNeXDyQEsL52mE9cJGrYgR2zSG2s99OGJf6yTVr9a41zaISL0q_4A4vSgi1Hy9MGE5qfJCHJTrgXB1hW9RjQI5IsFH0MWFO8yd3oA/http%3A%2F%2Fwww.wtplaw.com

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PANGEA NET

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Sherry Nuffer

From: Arnold Jablon
Sent: Thursday, December 14, 2017 12:01 PM
To: Busse, Jennifer R.; Doug Behr; Kristen L Lewis; johnbeverungen@gmail.com; John E. Beverungen; Beers, Robin
Cc: Peter Max Zimmerman; Sherry Nuffer; Kristen L Lewis
Subject: RE: request for hearing postponement

Ok, no pp.

From: Busse, Jennifer R. [mailto:jbusse@wtplaw.com]
Sent: Thursday, December 14, 2017 11:58 AM
To: Doug Behr <dbeh@jhu.edu>; Arnold Jablon <ajablon@baltimorecountymd.gov>; Kristen L Lewis <klewis@baltimorecountymd.gov>; johnbeverungen@gmail.com; John E. Beverungen <jbeverungen@baltimorecountymd.gov>; Beers, Robin <robinwb1@comcast.net>
Cc: Peter Max Zimmerman <pzimmerman@baltimorecountymd.gov>; Sherry Nuffer <snuffer@baltimorecountymd.gov>
Subject: RE: request for hearing postponement

Hi Doug – thank you so much.

I am so appreciative.

Absolutely happy to discuss this case in more detail before Monday.

And yes we will agree to a continuance after Monday if your association has outstanding concerns, etc.

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We will redline the plan to be more clear.

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I am very appreciative of your cooperation and my client is as well.

Let me know whether you or someone else from the Association can meet me at the hearing room before 1:30 so we can review the plans and get your thoughts.

Thank you again!



Whiteford | Taylor | Preston^{LLP}

Jennifer R. Busse | Partner

Towson Commons, Ste. 300 | One West Pennsylvania Avenue | Towson, MD | 21204-5025

t: 410.832.2077 | f: 410.339.4027

jbusse@wtplaw.com | Bio | vCard | http://secure-web.cisco.com/1oyluUlpSWwxp6amPtYiwtfiGuWxw6kjWJOVdYjvVlsLw-yYrhkkyv9BTB41dvYbLzUfOfsJQRnKzsVNAfkFnc567TvBIDePJelQ-aBYPZPac-SE8E2wfsnzs4wViEoNHNCMMNcMhtgd-LmTYJUzDvEPk_aASKZkT95XiWz0x8DEWj14CEtjKRwcuRtNhPMH-ryfJAGz3llr-NL9iQge5bMfl3UFwC6xTWuQNaxVv669p8mvemTf5SFpiXnLzhiFdQL6csWt90reY9MbXFxmLRxRO-lc2Tz1pYQcSlz0SRmyVT10UeWszmHZj-qQ4Xr_oZgNFDIDPaYFCzUQKxRu4e7vxjHKGB1oWbxsU8xdVjHoZZ1IN1rmkLOXTBu3nXiU_JbGdMxStgic59WRzFdq7EnKaW8VWlgJXQ2qytaPc4S158gT2tollr7HKIOsRihQxEWcaEs3XwzAw3JEDnpdA/http%3A%2F%2Fwww.wtplaw.com

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PANGEA NET

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Cc: Peter Max Zimmerman <pzimmerman@baltimorecountymd.gov>; Gontrum, John <JGontrum@wtplaw.com>
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Hi Jennifer—

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Whiteford | Taylor | Preston^{LLP}

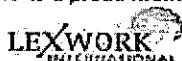
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PANGAEA NET

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Sent: Wednesday, December 13, 2017 2:19 PM

To: Busse, Jennifer R. <jbusse@wtplaw.com>

Cc: John E Beverungen <johnbeverungen@gmail.com>

Subject: FW: request for hearing postponement

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Sent: Wednesday, December 13, 2017 2:15 PM

To: Debra Wiley <dwiley@baltimorecountymd.gov>

Subject: FW: request for hearing postponement

FYI

Kristen Lewis
PAI – Zoning Review
410-887-3391

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Sent: Wednesday, December 13, 2017 2:02 PM
To: Doug Behr <dbehr@jhu.edu>
Cc: Kristen L Lewis <klewis@baltimorecountymd.gov>
Subject: RE: request for hearing postponement

I will agree to pp, but the cost of reposting is that of the party requesting the pp. You need to contact the attorney for the petitioner, and, in conjunction with Ms. Lewis, the docket clerk, choose a new date for the hearing.

From: Doug Behr [<mailto:dbehr@jhu.edu>]
Sent: Wednesday, December 13, 2017 1:38 PM
To: Arnold Jablon <ajablon@baltimorecountymd.gov>
Subject: request for hearing postponement

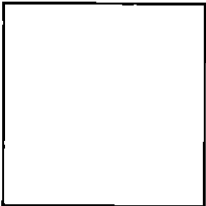
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Many thanks for your consideration.

—Doug Behr

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Sherry Nuffer

From: Doug Behr <dbeh@jhu.edu>
Sent: Thursday, December 14, 2017 12:03 PM
To: Busse, Jennifer R.; Arnold Jablon; Kristen L Lewis; johnbeverungen@gmail.com; John E. Beverungen; Beers, Robin
Cc: Peter Max Zimmerman; Sherry Nuffer
Subject: Re: request for hearing postponement

Hi again Jennifer—

Thank *you* for your kindness and consideration.

I or someone from the GKCA will make every effort to meet with you before 1:30 and of course we are most grateful for your efforts to show us what you all have in mind regarding landscaping.

Gratefully—

—Doug

From: Busse, Jennifer R. <jbusse@wtpplaw.com>
Sent: Thursday, December 14, 2017 11:57 AM
To: Doug Behr; ajablon@baltimorecountymd.gov; Kristen Lewis (klewis@baltimorecountymd.gov); johnbeverungen@gmail.com; Beverungen, John E. Esquire (jbeverungen@baltimorecountymd.gov); Beers, Robin
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[HaxlnzMzvPkfRy1Mni4Tbgo7CTQxNLg9Y-x-RtgiVgeO_kvxDLiwvL1XrXQ4jZiUYP0U5Nr5FwNY_DN3QbUfCmtsld8msZcpXgiwVQJBapfRNe0aE7p9MfHGW-tpUt52R-MnRrI0An2Dohvb5gmCuNLChexRlRLBYkcKTi827DtXpEYFmhZ1APZjb4jMT1BA5BYodRJH_bxLszQ4jgQ6vh8giPTqs023zC3uQeZl9qYX9H57_qd8QTE80OkcvEudrwHuYsn2AbVjzqXXWpArX-EdwZms7IXhDl1CMuRwBPD4PbMQ9AgnukCqMwebczeT-9b3GiNlXx49napo9_ZATU4bEp5qzqFGVi5OtGoutuWSG1abx56ELgFBmiXn1ju4W3LDjCys8aF8R2QOkFTR3KYK3Oct85GVerEylZrF2g/http%3A%2F%2Fwww.wtplaw.com](#)

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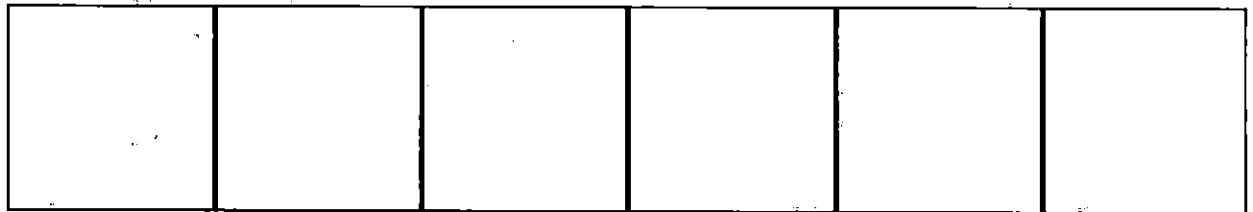
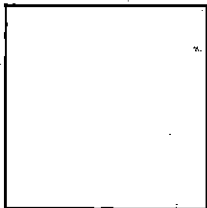
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Sherry Nuffer

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Jennifer R. Busse | Partner

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t: 410.832.2077 | f: 410.339.4027

jbusse@wtplaw.com | [Bio](#) | [vCard](#) | http://secure-web.cisco.com/1lft8186xYxUgqu_0kOE63-cB9C-dOJ_vGAVQD0AH4w9Y2mqZ3XKZdWjQ9cHp_60ech8P-48uA0jAlj3CmpXNIKv_07xNVAZfw2LRMM247HzbQWMk3EwSkxFrex1Js9WX8XvxaüF3ImEij5TAeYRR-HT9Qq4NSsYsvxmoBhVN3SfhhbzHXIG_PkNwECEPPGITL47Wdi4CuydCycB7iXE8hOGt7g_h9DpWCHPUTdIXrduAmPFXNX7-ErsnR0J7ONAZqZCyhUMMSY-3O1hqpn7MzRhvaOWiq1t36QI7KkNcvLmBPoznYpukCGnQJiIloopAhzh_lqGds6htU_MBTkDkAyeQA2nmwSRFvxHpc0PDcxSv_gk4NcaxscTbi2VV8PP4SUVRP68NwV_gLh7h2Q2zKI2FQP5-wdS9NWPPboEVv4LXMVBHjRRfr696wu2FUbhFklkzzZgRJbrR76g0giwXdg/http%3A%2F%2Fwww.wtplaw.com

[http://secure-web.cisco.com/1lft8186xYxUgqu_0kOE63-cB9C-dOJ_vGAVQD0AH4w9Y2mqZ3XKZdWjQ9cHp_60ech8P-48uA0jAlj3CmpXNIKv_07xNVAZfw2LRMM247HzbQWMk3EwSkxFrex1Js9WX8XvxaüF3ImEij5TAeYRR-HT9Qq4NSsYsvxmoBhVN3SfhhbzHXIG_PkNwECEPPGITL47Wdi4CuydCycB7iXE8hOGt7g_h9DpWCHPUTdIXrduAmPFXNX7-ErsnR0J7ONAZqZCyhUMMSY-3O1hqpn7MzRhvaOWiq1t36QI7KkNcvLmBPoznYpukCGnQJiIloopAhzh_lqGds6htU_MBTkDkAyeQA2nmwSRFvxHpc0PDcxSv_gk4NcaxscTbi2VV8PP4SUVRP68NwV_gLh7h2Q2zKI2FQP5-wdS9NWPPboEVv4LXMVBHjRRfr696wu2FUbhFklkzzZgRJbrR76g0giwXdg/http%3A%2F%2Fwww.wtplaw.com](#)

[http://secure-web.cisco.com/1lft8186xYxUgqu_0kOE63-cB9C-dOJ_vGAVQD0AH4w9Y2mqZ3XKZdWjQ9cHp_60ech8P-48uA0jAlj3CmpXNIKv_07xNVAZfw2LRMM247HzbQWMk3EwSkxFrex1Js9WX8XvxaüF3ImEij5TAeYRR-HT9Qq4NSsYsvxmoBhVN3SfhhbzHXIG_PkNwECEPPGITL47Wdi4CuydCycB7iXE8hOGt7g_h9DpWCHPUTdIXrduAmPFXNX7-ErsnR0J7ONAZqZCyhUMMSY-3O1hqpn7MzRhvaOWiq1t36QI7KkNcvLmBPoznYpukCGnQJiIloopAhzh_lqGds6htU_MBTkDkAyeQA2nmwSRFvxHpc0PDcxSv_gk4NcaxscTbi2VV8PP4SUVRP68NwV_gLh7h2Q2zKI2FQP5-wdS9NWPPboEVv4LXMVBHjRRfr696wu2FUbhFklkzzZgRJbrR76g0giwXdg/http%3A%2F%2Fwww.wtplaw.com](#)

[http://secure-web.cisco.com/1lft8186xYxUgqu_0kOE63-cB9C-dOJ_vGAVQD0AH4w9Y2mqZ3XKZdWjQ9cHp_60ech8P-48uA0jAlj3CmpXNIKv_07xNVAZfw2LRMM247HzbQWMk3EwSkxFrex1Js9WX8XvxaüF3ImEij5TAeYRR-HT9Qq4NSsYsvxmoBhVN3SfhhbzHXIG_PkNwECEPPGITL47Wdi4CuydCycB7iXE8hOGt7g_h9DpWCHPUTdIXrduAmPFXNX7-ErsnR0J7ONAZqZCyhUMMSY-3O1hqpn7MzRhvaOWiq1t36QI7KkNcvLmBPoznYpukCGnQJiIloopAhzh_lqGds6htU_MBTkDkAyeQA2nmwSRFvxHpc0PDcxSv_gk4NcaxscTbi2VV8PP4SUVRP68NwV_gLh7h2Q2zKI2FQP5-wdS9NWPPboEVv4LXMVBHjRRfr696wu2FUbhFklkzzZgRJbrR76g0giwXdg/http%3A%2F%2Fwww.wtplaw.com](#)

[http://secure-web.cisco.com/1lft8186xYxUgqu_0kOE63-cB9C-dOJ_vGAVQD0AH4w9Y2mqZ3XKZdWjQ9cHp_60ech8P-48uA0jAlj3CmpXNIKv_07xNVAZfw2LRMM247HzbQWMk3EwSkxFrex1Js9WX8XvxaüF3ImEij5TAeYRR-HT9Qq4NSsYsvxmoBhVN3SfhhbzHXIG_PkNwECEPPGITL47Wdi4CuydCycB7iXE8hOGt7g_h9DpWCHPUTdIXrduAmPFXNX7-ErsnR0J7ONAZqZCyhUMMSY-3O1hqpn7MzRhvaOWiq1t36QI7KkNcvLmBPoznYpukCGnQJiIloopAhzh_lqGds6htU_MBTkDkAyeQA2nmwSRFvxHpc0PDcxSv_gk4NcaxscTbi2VV8PP4SUVRP68NwV_gLh7h2Q2zKI2FQP5-wdS9NWPPboEVv4LXMVBHjRRfr696wu2FUbhFklkzzZgRJbrR76g0giwXdg/http%3A%2F%2Fwww.wtplaw.com](#)

[http://secure-web.cisco.com/1lft8186xYxUgqu_0kOE63-cB9C-dOJ_vGAVQD0AH4w9Y2mqZ3XKZdWjQ9cHp_60ech8P-48uA0jAlj3CmpXNIKv_07xNVAZfw2LRMM247HzbQWMk3EwSkxFrex1Js9WX8XvxaüF3ImEij5TAeYRR-HT9Qq4NSsYsvxmoBhVN3SfhhbzHXIG_PkNwECEPPGITL47Wdi4CuydCycB7iXE8hOGt7g_h9DpWCHPUTdIXrduAmPFXNX7-ErsnR0J7ONAZqZCyhUMMSY-3O1hqpn7MzRhvaOWiq1t36QI7KkNcvLmBPoznYpukCGnQJiIloopAhzh_lqGds6htU_MBTkDkAyeQA2nmwSRFvxHpc0PDcxSv_gk4NcaxscTbi2VV8PP4SUVRP68NwV_gLh7h2Q2zKI2FQP5-wdS9NWPPboEVv4LXMVBHjRRfr696wu2FUbhFklkzzZgRJbrR76g0giwXdg/http%3A%2F%2Fwww.wtplaw.com](#)

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PANGAEA NET

From: Debra Wiley [<mailto:dwiley@baltimorecountymd.gov>]

Sent: Wednesday, December 13, 2017 2:19 PM

To: Busse, Jennifer R. <jbusse@wtplaw.com>

Cc: John E Beverungen <johnbeverungen@gmail.com>

Subject: FW: request for hearing postponement

Please see email below from Arnold Jablon.

From: Kristen L Lewis

Sent: Wednesday, December 13, 2017 2:15 PM

To: Debra Wiley <dwiley@baltimorecountymd.gov>

Subject: FW: request for hearing postponement

FYI

Kristen Lewis

PAI – Zoning Review
410-887-3391

From: Arnold Jablon
Sent: Wednesday, December 13, 2017 2:02 PM
To: Doug Behr <dbehr@jhu.edu>
Cc: Kristen L Lewis <klewis@baltimorecountymd.gov>
Subject: RE: request for hearing postponement

I will agree to pp, but the cost of reposting is that of the party requesting the pp. You need to contact the attorney for the petitioner, and, in conjunction with Ms. Lewis, the docket clerk, choose a new date for the hearing.

From: Doug Behr [<mailto:dbehr@jhu.edu>]
Sent: Wednesday, December 13, 2017 1:38 PM
To: Arnold Jablon <ajablon@baltimorecountymd.gov>
Subject: request for hearing postponement

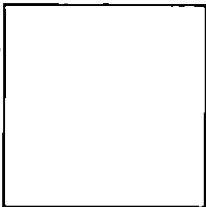
Dear Mr. Jablon—

There is a special hearing scheduled for next Monday but there was confusion about the details of the project. Please see the attached request for postponement from our board president, Dottie Foos. It was suggested that we send your office a copy of what was sent to Judge Beverungen.

Many thanks for your consideration.

—Doug Behr

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Debra Wiley

From: Debra Wiley
Sent: Wednesday, December 13, 2017 2:04 PM
To: Jennifer R. Busse Esq. (jbusse@wtplaw.com)
Subject: FW: request for meeting postponement (Greater Kingsville Civic Association)
Attachments: Solar postponement letter GKCA.pdf

Ms. Busse,

I spoke to ALJ Beverungen and he's asked if you could respond to him about the postponement request no later than tomorrow.

Thank you.

From: Administrative Hearings
Sent: Wednesday, December 13, 2017 12:27 PM
To: Jennifer R. Busse Esq. (jbusse@wtplaw.com) <jbusse@wtplaw.com>
Subject: FW: request for meeting postponement (Greater Kingsville Civic Association)

Jen,

Per your request.

From: Administrative Hearings
Sent: Wednesday, December 13, 2017 12:21 PM
To: Patricia A. Malone (pamalone@Venable.com) <pamalone@Venable.com>
Subject: FW: request for meeting postponement (Greater Kingsville Civic Association)

Patsy,

Per your request.

From: Doug Behr [mailto:dbehr@jhu.edu]
Sent: Wednesday, December 13, 2017 10:03 AM
To: Administrative Hearings <administrativehearings@baltimorecountymd.gov>
Subject: request for meeting postponement (Greater Kingsville Civic Association)

Good morning—

Please find attached a letter from our civic association regarding a request for postponement.

Thank you very much—

—Doug Behr

Debra Wiley

From: Debra Wiley
Sent: Wednesday, December 13, 2017 12:28 PM
To: 'John E Beverungen'
Subject: FW: PP request for Monday

John,

Just found out it is not Patsy Malone but Jen Busse.

From: Debra Wiley
Sent: Wednesday, December 13, 2017 12:23 PM
To: 'John E Beverungen' <johnbeverungen@gmail.com>
Subject: RE: PP request for Monday

John,

Tim is not the attorney.

Patsy Malone is the attorney for this case; she just called to obtain a copy of the pp request since Pete Zimmerman brought it to her attention.

From: John E Beverungen [mailto:johnbeverungen@gmail.com]
Sent: Wednesday, December 13, 2017 11:45 AM
To: Debra Wiley <dwiley@baltimorecountymd.gov>
Subject: Re: PP request for Monday

Deb, I believe Tim Kotroco is the attorney for Petitioner? If so can you email the request to him and ask him to respond NLT end of day tomorrow. Thanks.

On December 13, 2017, at 11:39 AM, Debra Wiley <dwiley@baltimorecountymd.gov> wrote:

Hi John,

Not sure if you received pp request from OAH email (from me) but since the "Association" is requesting a pp and if you grant it, according to Arnold (thru Kristen) the Association is responsible for reposting.

Thanks.

Debra Wiley
Baltimore County Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Maryland 21204

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Debra Wiley

From: Debra Wiley
Sent: Wednesday, December 13, 2017 2:22 PM
To: Sherry Nuffer (snuffer@baltimorecountymd.gov)
Subject: FW: request for hearing postponement

FYI

From: Debra Wiley
Sent: Wednesday, December 13, 2017 2:19 PM
To: Jennifer R. Busse Esq. (jbusse@wtplaw.com) <jbusse@wtplaw.com>
Cc: 'John E Beverungen' <johnbeverungen@gmail.com>
Subject: FW: request for hearing postponement

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Subject: FW: request for hearing postponement

FYI

Kristen Lewis
PAI – Zoning Review
410-887-3391

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Sent: Wednesday, December 13, 2017 1:38 PM
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Subject: request for hearing postponement

Dear Mr. Jablon—

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—Doug Behr

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To: 'John E Beverungen'
Subject: RE: PP request for Monday

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Tim is not the attorney.

Patsy Malone is the attorney for this case; she just called to obtain a copy of the pp request since Pete Zimmerman brought it to her attention.

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Thanks.

Debra Wiley
Baltimore County Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Maryland 21204
410-887-3868



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Debra Wiley

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To: Patricia A. Malone (pamalone@Venable.com)
Subject: FW: request for meeting postponement (Greater Kingsville Civic Association)
Attachments: Solar postponement letter GKCA.pdf

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Per your request.

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Sent: Wednesday, December 13, 2017 10:03 AM
To: Administrative Hearings <administrativehearings@baltimorecountymd.gov>
Subject: request for meeting postponement (Greater Kingsville Civic Association)

Good morning—

Please find attached a letter from our civic association regarding a request for postponement.

Thank you very much—

—Doug Behr

12/18
1:30 PM

Debra Wiley

From: Administrative Hearings
Sent: Wednesday, December 13, 2017 11:16 AM
To: John E. Beverungen
Subject: FW: request for meeting postponement (Greater Kingsville Civic Association)
Attachments: Solar postponement letter GKCA.pdf

John,

Please see postponement request for hearing on Monday, December 18th @ 1:30 PM.

Thanks.

Deb



From: Doug Behr [mailto:dbehr@jhu.edu]
Sent: Wednesday, December 13, 2017 10:03 AM
To: Administrative Hearings <administrativehearings@baltimorecountymd.gov>
Subject: request for meeting postponement (Greater Kingsville Civic Association)

Good morning—

Please find attached a letter from our civic association regarding a request for postponement.

Thank you very much—

—Doug Behr

Debra Wiley

From: Doug Behr <dbeh@jhu.edu>
Sent: Wednesday, December 13, 2017 10:03 AM
To: Administrative Hearings
Subject: request for meeting postponement (Greater Kingsville Civic Association)
Attachments: Solar postponement letter GKCA.pdf

Good morning—

Please find attached a letter from our civic association regarding a request for postponement.

Thank you very much—

—Doug Behr





Greater Kingsville Civic Association, Inc.

P.O. Box 221, Kingsville, Maryland 21087

December 12, 2017

Re: Case #2018-0095-SPHXA

11956 Philadelphia Road

RECEIVED

DEC 13 2017

OFFICE OF
ADMINISTRATIVE HEARINGS

Dear Judge Beverungen—

On behalf of the Board of the Greater Kingsville Civic Association Inc., I am writing to request a postponement for the Special Hearing for this case scheduled for December 18.

We are very concerned about this issue but were completely unaware that this hearing was to occur. As recently as yesterday a member of our board was told by County zoning staff that there *was no hearing for this issue scheduled*. Apparently, the confusion may have been created by misinformation given even online regarding the location of this site. Online, the address of 11956 Philadelphia Road conflicts with the location description of 'north side of Philadelphia Road, northeast corner of intersecting streets of Philadelphia and Raphel Road'. In researching the property and address, we find there are two different tax numbers as well, so that we need to be able to discern precisely which property is the focus of the hearing. Due to this confusion, it's clear that both the County zoning staff and our board have been 'in the dark' regarding the scheduled hearing and we need additional time to sort this out.

The GKCA board would be most grateful for your permitting the postponement.

With many thanks—

Dorothy Foos

President

cherishing our rural heritage since 1974



Greater Kingsville Civic Association, Inc.

P.O. Box 221, Kingsville, Maryland 21087

Jennifer Busse

Whiteford, Taylor, Preston / One West Pennsylvania Ave. / Towson, MD 21204

December 21, 2017

Re: Case #2018-0095-SPHXA

11956 Philadelphia Road

Dear Jennifer—

Thanks once again for your efforts in accommodating our concerns. As I said on Monday, while our association is greatly concerned about the impact of solar arrays in our community, this instance presents minimal impact, for which we are grateful.

There are just a few concerns, and all were mentioned at the hearing. One you all have responded to—there will be no additional lighting of any kind required for the project. Our second concern regards the planting plan. We always encourage the use of native material as much as possible, and a mix of materials so as to try to create as naturalistic an appearance as possible. We would be much happier with a loose, casual planting character than with a regimented or structured planting. The preliminary planting plan that you showed me on Monday certainly reflects that. The GKCA requests that we could review a copy of the final planting plan. Of course our hope is that any material will grow tall enough to hide the views of the panels quickly. We do not want to see any signage, but I don't believe any is called for.

With many thanks—

Doug Behr

GKCA Rural Protection Committee

cherishing our rural heritage since 1974

John E. Beverungen

From: Busse, Jennifer R. <jbusse@wtplaw.com>
Sent: Thursday, December 21, 2017 9:46 AM
To: Doug Behr
Cc: John E. Beverungen
Subject: RE: comments regarding solar array on Philadelphia Road

Hello Mr. Behr and thank you for your email and letter.

In response to your request to review the final landscape plan – I have spoken with my client and that is not a problem. I will share a copy of the plan with you when it is submitted to the County's landscape architect. That way, if you have any comments on it, you can provide them to us before the County's landscape architect provides approval and both the team and he can take your comments into account.

We look forward to working with you and appreciate your involvement and consideration.



Whiteford | Taylor | Preston."

Jennifer R. Busse | Partner

Towson Commons, Ste. 300 | One West Pennsylvania Avenue | Towson, MD | 21204-5025

t: 410.832.2077 | f: 410.339.4027

jbusse@wtplaw.com | [Bio](#) | [vCard](#) | http://secure-web.cisco.com/1go1nL_SxWla_lFtDYuj9_oViHMbu2HuGg3CQzygVg-syXO_akZXp075ElFRG1eaYKjtfC4Qvedl-28ZjaaQ-Y7EwyfifltDHZd6lhTVlgclYNng_T7GYaaStf5hzLd6awGbLo8PoDOdER-vQfdGmt-6sxzX0weNRyln_UzQdiDI5rSb3tEZM5J_4oTr8slcJdc1zJ_VfiZtxw_4hSPic3RkvmyBQQ1K9E0Cqlh5ir3-fZB1f9giSmRs-Mvff4ScGyc_1zr9AA5wD6JsbsFOa1qaWlbNCGIHcA6ETdmc2h7Ox50y3iP8dQn4IIREcKQgK8bQoJf9uvxwKbyDzCL2ytnCO0E4cEiZrVQ5eNRi_Lxdq2hXca3Cio_oy13p_uUhZ-MBHIRk4ePCX4Q98r7KHns0tFYF1eGXwuyYINILNo9oSKYVib1hEfsoJSrloN-GawPu75nuFk4ibCFT4mozv/http%3A%2F%2Fwww.wtplaw.com

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PANGEA NET

From: Doug Behr [mailto:dbehr@jhu.edu]
Sent: Thursday, December 21, 2017 8:51 AM
To: Busse, Jennifer R. <jbusse@wtplaw.com>
Cc: Beverungen, John E. Esquire (jbeverungen@baltimorecountymd.gov) <jbeverungen@baltimorecountymd.gov>
Subject: comments regarding solar array on Philadelphia Road

Good morning Jennifer—

Thanks again for your interest on Monday. I'm attaching a letter noting our concerns, which are quite minimal.

Thanks again, and Merry Christmas—

—Doug

CASE NO. 2018-

0095-
SPHXACHECKLISTComment
ReceivedDepartmentSupport/Oppose/
Conditions/
Comments/
No Comment

11/1

DEVELOPMENT PLANS REVIEW
(if not received, date e-mail sent _____)

Comment

10/20

DEPS
(if not received, date e-mail sent _____)

Comment

10/31

FIRE DEPARTMENT

PLANNING
(if not received, date e-mail sent _____)no obj
w/ conditions

10/10

STATE HIGHWAY ADMINISTRATION

TRAFFIC ENGINEERING

no objection

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT

Date:

11/28/17

SIGN POSTING

Date:

11/24/17

by

Pulson

PEOPLE'S COUNSEL APPEARANCE

Yes



No



PEOPLE'S COUNSEL COMMENT LETTER

Yes



No



Comments, if any: _____

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption				View GroundRent Registration				
Account Identifier:		District - 11 Account Number - 1107083325								
Owner Information										
Owner Name:		11956 PHILADELPHIA ROAD LLC			Use:		AGRICULTURAL			
Mailing Address:		12140 PULASKI HWY BALTIMORE MD 21085-			Principal Residence:		NO			
					Deed Reference:		/33390/ 00001			
Location & Structure Information										
Premises Address:		11956 PHILADELPHIA RD KINGSVILLE 21087-			Legal Description:		23.55 AC NWS PHILADELPHIA RD 1350FT E OF RAPHEL RD			
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No: Plat Ref:	
0064	0021	0205		0000				2018		
Special Tax Areas:				Town:		NONE				
				Ad Valorem:						
				Tax Class:						
Primary Structure Built		Above Grade Living Area		Finished Basement Area		Property Land Area		County Use		
1852		1,584 SF				23.5500 AC		05		
Stories	Basement	Type	Exterior	Full/Half Bath	Garage	Last Major Renovation				
2	NO	STANDARD UNIT	FRAME	1 full	1 Carport					
Value Information										
		Base Value		Value		Phase-in Assessments				
				As of		As of		As of		
				01/01/2015		07/01/2017		07/01/2018		
Land:		100,900		100,900						
Improvements		159,000		159,000						
Total:		259,900		259,900		259,900				
Preferential Land:		5,900								
Transfer Information										
Seller: HUBER STEPHEN WAYNE				Date: 04/01/2013		Price: \$350,000				
Type: NON-ARMS LENGTH OTHER				Deed1: /33390/ 00001		Deed2:				
Seller: HUBER GEORGE JAMES				Date: 06/03/1997		Price: \$150,000				
Type: ARMS LENGTH MULTIPLE				Deed1: /12205/ 00435		Deed2:				
Seller: TAYLOR JERRY E A G USE 83-84				Date: 11/28/1984		Price: \$140,000				
Type: ARMS LENGTH IMPROVED				Deed1: /06827/ 00466		Deed2:				
Exemption Information										
Partial Exempt Assessments:		Class		07/01/2017		07/01/2018				
County:		000		0.00						
State:		000		0.00						
Municipal:		000		0.00		0.00				
Tax Exempt:		Special Tax Recapture:								
Exempt Class:		AGRICULTURAL TRANSFER TAX								
Homestead Application Information										
Homestead Application Status: No Application										

Case No.: 2018-0095-SPHXA

Exhibit Sheet

DW
1-30-18

12-29-17

Sen

Petitioner/Developer

Protestant

No. 1	Aerial photo	
No. 2	2A-ZE vicinity photos	
No. 3	site plan (redlined)	
No. 4	Photoshop exhibit of proposed conditions → Site photos	
No. 5	Schematic landscape plan	
No. 6	Photoshop exhibit showing existing & proposed conditions	
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

Existing View from Philadelphia Road – East of site

Facing west, site is to the right



Facing north toward site



Existing View from Philadelphia Road

Facing northwest toward property entrance



Facing north toward site



Existing View from Philadelphia Road – Property Entrance

Looking north at site entrance



Looking north at site entrance



Existing View from Philadelphia Road – Property Entrance

Looking northeast at site entrance



Looking northeast at site entrance



Existing View from Philadelphia Road

Looking north at site



Looking north at site



Existing View from Philadelphia Road

Looking north at site



Looking northeast at site entrance





July 27, 2018

Arnold Jablon, Director
Baltimore County Department of Permits,
Approvals, and Inspections (PAI)
C/O Carl Richards, Zoning Supervisor
Baltimore County Zoning Review Office
111 West Chesapeake Avenue, Room 111
Towson, Maryland 21204

Re Zoning Spirit and Intent (S and I) Letter
Philadelphia Road Solar Array
11956 Philadelphia Road
Zoning Case 2018-0095-SPHXA
11th Election District, 6th Councilmanic District
Job No. 17031

Dear Mr. Jablon:

Daft-McCune-Walker, Inc. (DMW) represents the lessee of the referenced property, and we are responsible for the development processing, engineering, and planning of their commercial solar facility project. The facility has been recently approved via Special Exception Case Number 2018-0095-SPHXA. No appeal to the Zoning Order was filed.

After Special Exception approval and during final design, our team realized that we must erect three (3) electric utility poles that were not shown on the Plan to Accompany the Special Exception Petition. The proposed poles are clearly within the approved Special Exception Area. In addition, the solar array is being modified as part as final design and all panels are located with the Special Exception Area as well. All modifications, we feel, are immaterial and are within the scope of the Special Exception approval.

Please confirm by countersigning this letter that the addition of the 3 utility poles and modification to the solar array, all within the approved Special Exception area, are with the scope and/or spirit and intent of the approved Special Exception. With this letter, we are enclosing the red-line Special Exception plan, the Zoning Order of the referenced Special Exception, and a check for payment of the letter processing fee.

Please contact us at your earliest convenience if you have any questions. Thank you very much for your attention to this matter.

Very truly yours,

Daft-McCune-Walker, Inc.



Mitchell J. Kellman
Vice President/Director of Zoning Services

MJK/ser



W. Carl Richards, Zoning Supervisor
Agreed and Confirmed

8/13/18

Date

IN RE: PETITIONS FOR SPECIAL HEARING, *	BEFORE THE
SPECIAL EXCEPTION & VARIANCE	
(11956 Philadelphia Road) *	OFFICE OF
11 th Election District	
6 th Council District *	ADMINISTRATIVE HEARINGS
11956 Philadelphia Road, LLC	
<i>Legal Owner</i> *	FOR BALTIMORE COUNTY
Turning Point Energy, LLC	
<i>Lessee</i> *	Case No. 2018-0095-SPHXA
Petitioners	

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County for consideration of Petitions for Special Hearing, Special Exception and Variance filed on behalf of 11956 Philadelphia Road, LLC, legal owner, and Turning Point Energy, LLC, lessee (“Petitioners”).

The Petition for Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations (“B.C.Z.R”) as follows: (1) asking the Administrative Law Judge (ALJ) if the requirement for a 50 ft. setback applies to an internal property line; (2) to approve shared access for an existing farm and a proposed solar facility; and (3) to approve use of an easement to connect special exception areas. In the alternative, a Petition for Variance seeks to permit a 20 ft. setback in lieu of the required 50 ft. Finally, a Petition for Special Exception was filed to permit a solar facility in the RC 5 zone.

Appearing at the public hearing in support of the requests was Mitch Kellman. Jennifer R. Busse, Esq. represented the lessee and Howard Alderman, Esq. represented the legal owner. Doug Behr, of the Greater Kingsville Civic Association, attended the hearing to obtain additional information regarding the requests. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. Substantive Zoning Advisory Committee (ZAC)

comments were submitted by the Department of Planning (DOP), the Bureau of Development Plans Review (DPR) and the Department of Environmental Protection and Sustainability (DEPS). None of the reviewing agencies opposed the requests.

The subject property adjoins Interstate 95 to the north and Philadelphia Road (Md. Route 7) to the south. The site is approximately 23.55 acres in size and is zoned RC-5. The property is improved with a single-family dwelling and agricultural outbuildings (which constitute a “farm” under the B.C.Z.R.), which will remain on site. Petitioners propose to operate a solar facility on approximately 16 acres of the site, which is bisected by high-voltage power lines owned by Baltimore Gas & Electric (BGE).

Special Exception

Under Maryland law, a special exception use enjoys a presumption that it is in the interest of the general welfare, and therefore, valid. *Schultz v. Pritts*, 291 Md. 1 (1981). The *Schultz* standard was revisited in *Attar v. DMS Tollgate, LLC*, 451 Md. 272, (2017), where the court of appeals discussed the nature of the evidentiary presumption in special exception cases. The court again emphasized a special exception is properly denied only when there are facts and circumstances showing that the adverse impacts of the use at the particular location in question would be above and beyond those inherently associated with the special exception use.

Mr. Kellman testified Petitioners satisfy the requirements of B.C.Z.R. §502.1, and he believes this is an “ideal location” for the facility. He noted the site is adjacent to I-95 and a BGE electric substation, and he believed the landscaping proposed would screen the solar facility from view of motorists and/or pedestrians. This appears to be the first hearing seeking approval for a solar facility in the 6th Council district, and Mr. Kellman confirmed the property is not subject to an agricultural or preservation easement. He also advised none of the roadways adjoining the site

are designated as scenic. Based on this testimony and the exhibits presented, and in the absence of any evidence to the contrary, the petition for special exception will be granted.

Special Hearing

The petition for special hearing primarily concerns whether the 50 ft. “tract boundary” setback requirement found in B.C.Z.R. §4E-104 applies to an internal lot line at the site. As Mr. Kellman explained, the subject property is bisected by a strip of land owned in fee simple by BGE, on which are located high-voltage power lines and support structures. BGE will grant to Petitioners an easement so they may travel across this strip while constructing and/or operating the solar facility. In these circumstances, the bisecting strip/road does not create separate parcels for development and zoning purposes. *Freeland Comm. Ass’n v. HZ Props., LLC*, Ct. Special Appeals (9/16/2016, unreported). As such, the internal property lines created by the BGE strip are not considered “tract boundaries,” and a variance is not required to locate the solar panels 20 feet from these lines.

The other aspect of the special hearing concerns the use of a shared access driveway. The driveway, which is shown on the redlined site plan (Ex. 3), would be used by the existing resident and the solar facility. Nothing in the law prohibits such an arrangement, and with the exception of construction traffic accompanying the installation of the panels there will be little or no vehicular traffic using the drive to access the solar facility. As such this aspect of the petition for special hearing will also be granted.

THEREFORE, IT IS ORDERED this 29th day of **December, 2017**, by this Administrative Law Judge, that the Petition for Special Hearing filed pursuant to § 500.7 of the Baltimore County Zoning Regulations (“B.C.Z.R.”): (1) to determine the requirement for a 50 ft. setback does not apply to an internal property line; (2) to approve shared access for an existing farm and a proposed

solar facility; and (3) to approve use of an easement to connect special exception areas, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Special Exception to permit a solar facility in the RC 5 zone, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Variance to permit a 20 ft. setback in lieu of the required 50 ft., be and is hereby DISMISSED WITHOUT PREJUDICE..

The relief granted herein shall be subject to the following:

1. Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioners would be required to return the subject property to its original condition.
2. No lighting or signage (with respect to the solar facility) shall be installed at the property.
3. No trees shall be removed from the site in connection with the construction and/or operation of the solar facility.
4. Petitioners must submit for approval by Baltimore County (with a copy to the Greater Kingsville Civic Association, Inc.) a landscape plan for the site.
5. Petitioners must comply with the ZAC comment submitted by the DEPS, a copy of which is attached hereto.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.

Signed _____
JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:slh



TurningPoint Energy

JFK Memorial Highway

Old Long Calm Road

Phifers Road

Philadelphia Road

Raphel Road

V5

V2

V3

V4

V6

V1

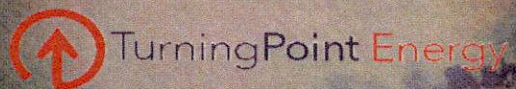
- View 1 —Looking northeast from Philadelphia Road
- View 2 —Looking southwest from Old Long Calm Road
- View 3 —Looking northwest from near site
- View 4 —Looking west from near site
- View 5 —Looking southeast from I95 (JFK Memorial Hwy)
- View 6 —Looking northwest from Raphel Road



EXHIBIT

tabbles®

6



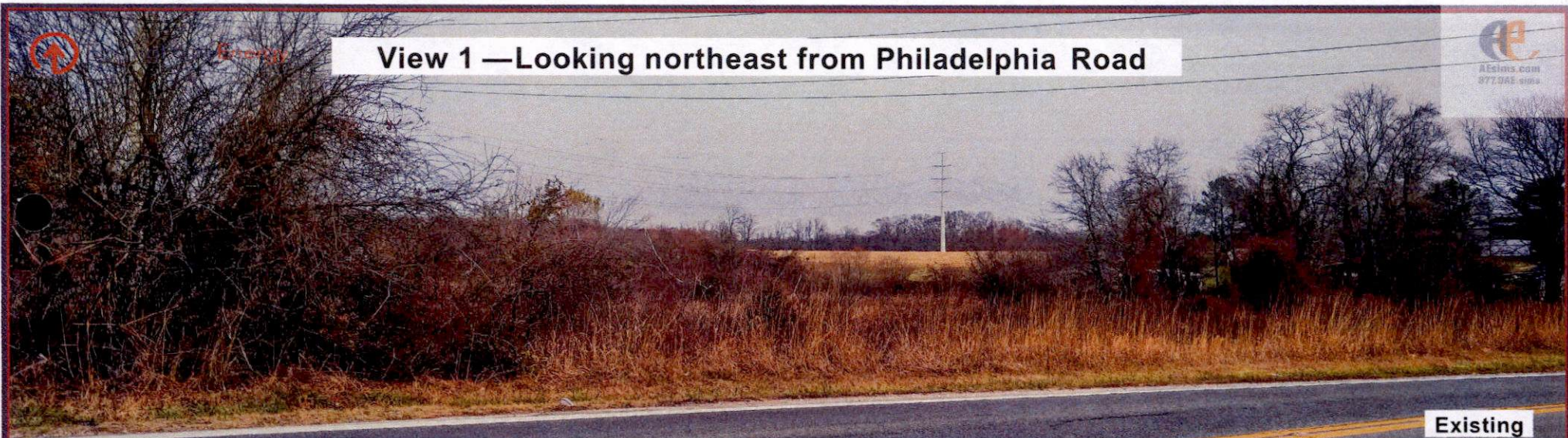
- View 1 —Looking northeast from Philadelphia Road
- View 2 —Looking southwest from Old Long Calm Road
- View 3 —Looking northwest from near site
- View 4 —Looking west from near site
- View 5 —Looking southeast from I95 (JFK Memorial Hwy)
- View 6 —Looking northwest from Raphel Road





Energy

View 1 —Looking northeast from Philadelphia Road



Existing



Proposed Solar Project with
Landscaping



TurningPoint Energy



JFK Memorial Highway

Old Long Calm Road

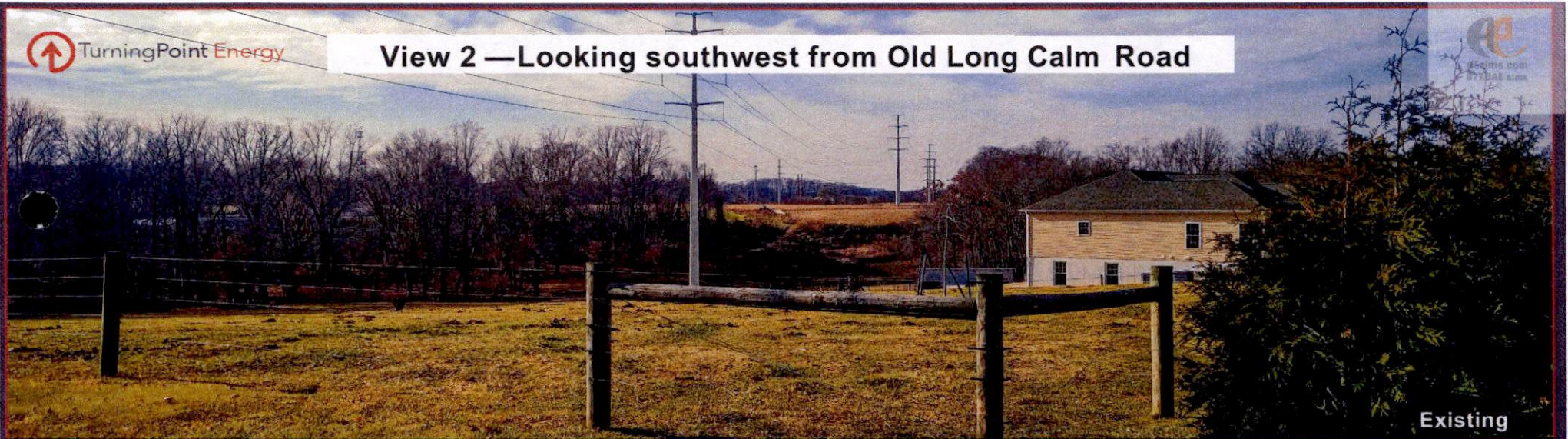
Raphel Road

Philadelphia Road

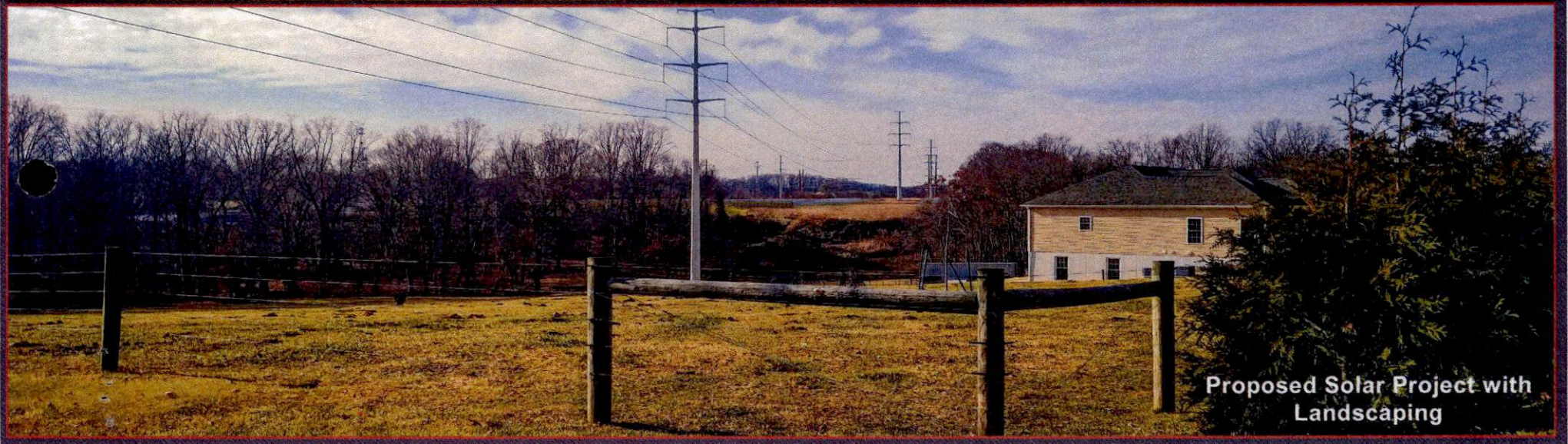
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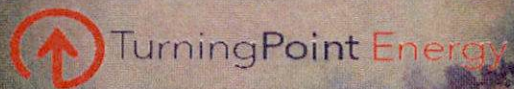
View 2 —Looking southwest from Old Long Calm Road



Existing



Proposed Solar Project with
Landscaping



JFK Memorial Highway

Old Long Calm Road

Peffer's Road

Philadelphia Road

Raphel Road

- View 1 —Looking northeast from Philadelphia Road
- View 2 —Looking southwest from Old Long Calm Road
- View 3 —Looking northwest from near site
- View 4 —Looking west from near site
- View 5 —Looking southeast from I95 (JFK Memorial Hwy)
- View 6 —Looking northwest from Raphel Road

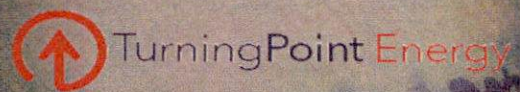


View 3 — Looking northwest from residential property



View 3 — Looking northwest from residential property





- View 1 —Looking northeast from Philadelphia Road
- View 2 —Looking southwest from Old Long Calm Road
- View 3 —Looking northwest from near site
- View 4 —Looking west from near site
- View 5 —Looking southeast from I95 (JFK Memorial Hwy)
- View 6 —Looking northwest from Raphel Road





Existing



**Proposed Solar Project before
Landscaping**

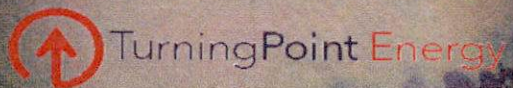
View 4 —Looking west from residential property



Existing



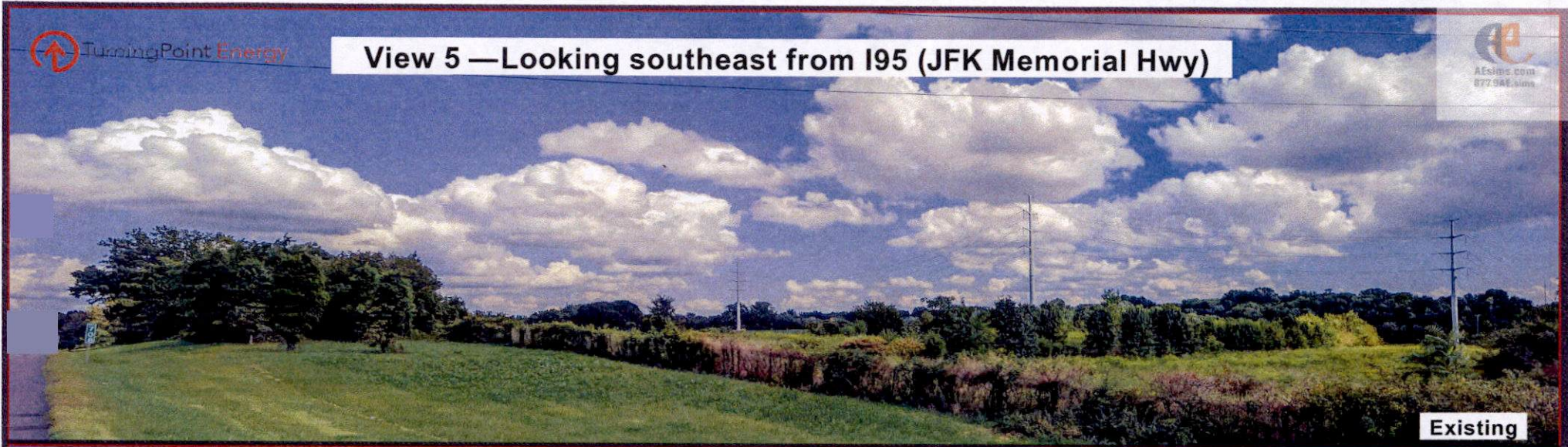
**Proposed Solar Project with
Landscaping**



- View 1 —Looking northeast from Philadelphia Road
- View 2 —Looking southwest from Old Long Calm Road
- View 3 —Looking northwest from near site
- View 4 —Looking west from near site
- View 5 —Looking southeast from I95 (JFK Memorial Hwy)
- View 6 —Looking northwest from Raphel Road



View 5 — Looking southeast from I95 (JFK Memorial Hwy)

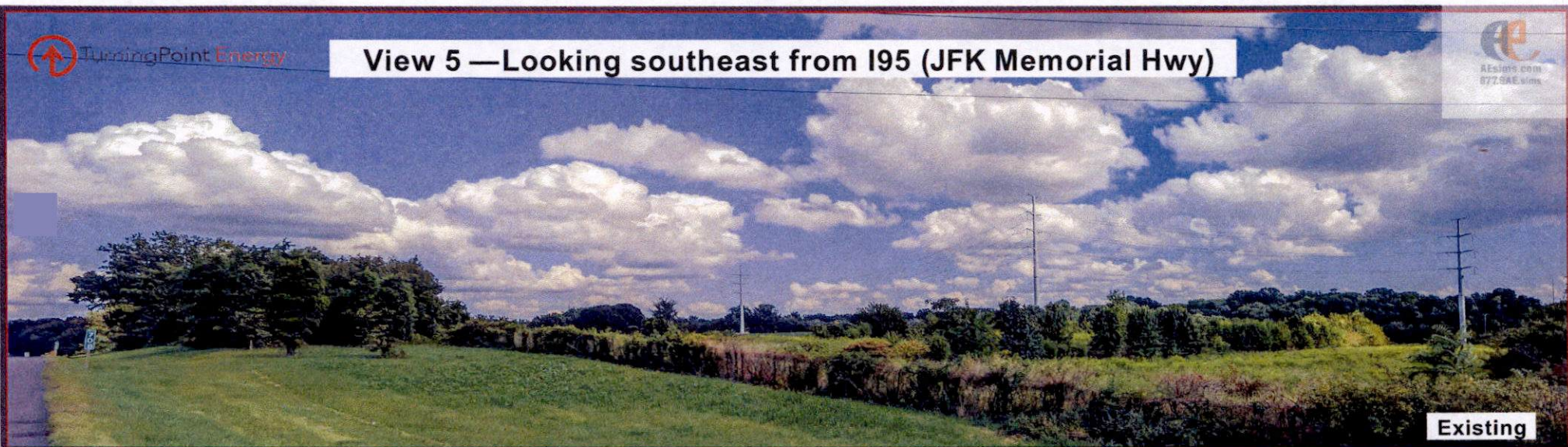


Existing



**Proposed Solar Project before
Landscaping**

View 5 —Looking southeast from I95 (JFK Memorial Hwy)



Existing



**Proposed Solar Project with
Landscaping**



TurningPoint Energy

JFK Memorial Highway

Old Long Calm Road

Bellevue Road

Philadelphia Road

Raphel Road

V5

V6

V3

V4

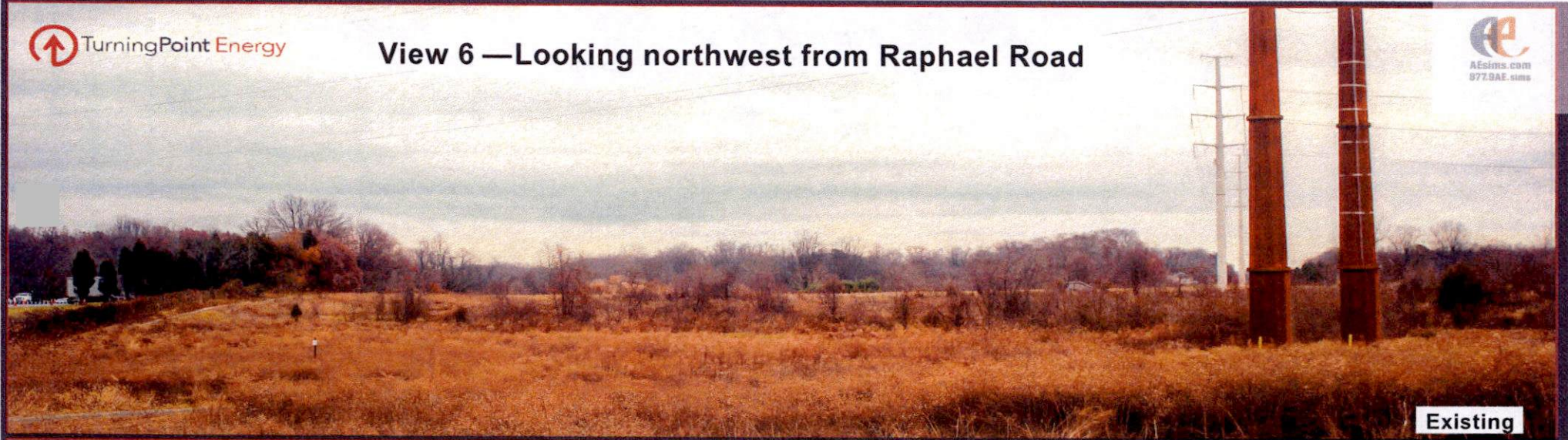
V2

V1

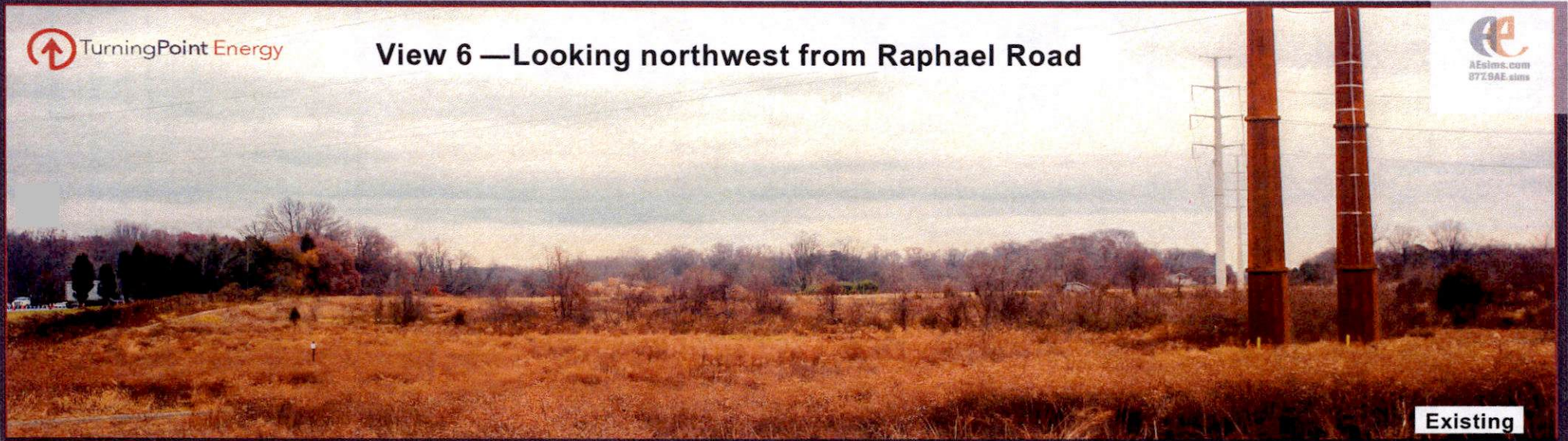
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- View 6 —Looking northwest from Raphel Road



View 6 —Looking northwest from Raphael Road



View 6 —Looking northwest from Raphael Road



1900003441

1992-0037-SPH
1989-0190-X
1996-0167-SPH
1997-0127-SPH

1119008476

RC 7
5 CD

NE 12-J

NE 12-K

2017-0101-XA

1107083325

GROWTH TIER 4
(No New Subdivisions of 4
or More Additional Lots)

1600013639

2017-0101-XA

11 ED

064B3

6 CD

RC 5

RAPHEL RD

RAPHEL RD

PHILADELPHIA RD

NE 11-J

NE 11-K

1997-0411-SPH
1975-0004-X
1985-0358-X
1999-0001-A
1997-0584-SPH
1989-0477-X

PHILADELPHIA RD

1102001750

11891

064A3

10790

11947
1103002970

11956

1102023950

11946

1104023250

1104036990

1113024060

2018-0095-SPHXA

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2017, Legislative Day No. 11

Bill No. 37-17

Mrs. Vicki Almond, Councilwoman

By the County Council, June 5, 2017

A BILL
ENTITLED

AN ACT concerning

Solar Facilities

FOR the purpose of permitting a Solar Facility to be located in certain zones of the County by special exception; providing for a statement of purpose and defining terms; providing exceptions; providing for the requirements for a facility; providing for a required security; providing for the maintenance, abandonment, and removal of a facility; authorizing the Code Official to enforce the provisions of this Act; providing for the application of the Act; and generally relating to Solar Facilities.

BY adding
Article 4E – Solar Facilities
Sections 4E-101 to 4E-107
Baltimore County Zoning Regulations, as amended

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter stricken from existing law.
~~Strike-out~~ indicates matter stricken from bill.
Underlining indicates amendments to bill.

2018-0095-SPHA

BY repealing and re-enacting, with amendments
Article 5 – Administration and Enforcement
Section 502.1.I.
Baltimore County Zoning Regulations, as amended

SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE
COUNTY, MARYLAND, that the Baltimore County Zoning Regulations read as follows:

ARTICLE 4E

SOLAR FACILITIES

§4E-101. PURPOSE AND DEFINITIONS.

§4E-101.1. PURPOSE.

SOLAR ENERGY IS RECOGNIZED AS AN ABUNDANT, RENEWABLE, AND
ENVIRONMENTALLY SUSTAINABLE SOURCE OF ELECTRICITY GENERATION THAT
WILL LEAD TO GREATER LOCAL GRID RESILIENCY AND SECURITY, AND PRODUCE
CLEAN, RENEWABLE ENERGY AND REDUCE AIR AND WATER POLLUTION CAUSED
BY THE BURNING OF TRADITIONAL FOSSIL FUELS. THE PURPOSE AND INTENT OF
THIS ARTICLE IS TO PERMIT SOLAR FACILITIES IN PARTS OF THE RURAL AND
COMMERCIAL AREAS OF THE COUNTY BY SPECIAL EXCEPTION, AND TO BALANCE
THE BENEFITS OF SOLAR ENERGY PRODUCTION WITH ITS POTENTIAL IMPACT
UPON THE COUNTY'S LAND USE POLICIES BY ENSURING SUFFICIENT
SAFEGUARDS ARE IN PLACE TO PROTECT THE COUNTY'S COMMUNITIES AND ITS
AGRICULTURAL LAND, FORESTS, WATERWAYS AND OTHER NATURAL
RESOURCES.

1 §4E-101.2. DEFINITIONS:

2 AS USED IN THIS ARTICLE, THE FOLLOWING TERMS HAVE THE MEANINGS
3 INDICATED:

4 A. "SOLAR FACILITY" MEANS A FACILITY THAT INCLUDES A SERIES OF ONE OR
5 MORE SOLAR COLLECTOR PANELS OR SOLAR ENERGY SYSTEMS THAT ARE
6 PLACED IN AN AREA ON A TRACT OF LAND FOR THE PURPOSE OF GENERATING
7 PHOTOVOLTAIC POWER FOR COMMERCIAL USE. THE TERM INCLUDES A SOLAR
8 POWER PLANT OR SOLAR PHOTOVOLTAIC FARM.

9 B. "COMMERCIAL USE" MEANS THE TRANSFER TO THE ELECTRICAL POWER GRID
10 OF ENERGY PRODUCED BY A SOLAR FACILITY FOR SALE BY ENERGY SUPPLIERS
11 TO CONSUMERS.

12
13 §4E-102. LOCATION OF SOLAR FACILITIES.

14 A. SUBJECT TO PARAGRAPH B, A SOLAR FACILITY IS PERMITTED ONLY BY
15 SPECIAL EXCEPTION IN THE R.C.2, R.C.3, R.C.4, R.C.5, R.C.6, R.C.7, R.C.8, B.L., B.M.,
16 M.R., M.L.R., AND M.H. ZONES OF THE COUNTY.

17 B. THE ALLOCATION OF LAND FOR SOLAR FACILITIES IN THE COUNTY IS
18 LIMITED TO THE FOLLOWING:

19 1. THE MAXIMUM AREA PERMITTED FOR A SINGLE SOLAR FACILITY IS
20 THE AMOUNT OF ACREAGE THAT PRODUCES NO MORE THAN TWO MEGAWATTS
21 ALTERNATING CURRENT (AC) OF ELECTRICITY.

22 2. NO MORE THAN TEN (10) SOLAR FACILITIES MAY BE LOCATED IN A
23 COUNCILMANIC DISTRICT.

1 3. THE DIRECTOR OF PERMITS, APPROVALS AND INSPECTIONS SHALL
2 MAINTAIN A RECORD OF ALL PERMITS ISSUED FOR A SOLAR FACILITY IN THE
3 COUNTY, INCLUDING THE LOCATION AND COUNCILMANIC DISTRICT FOR EACH
4 SUCH FACILITY, AND SHALL KEEP A CURRENT ACCOUNTING OF THE NUMBER OF
5 FACILITIES IN EACH COUNCILMANIC DISTRICT UNDER THIS PARAGRAPH.

6 4. UPON REACHING THE THRESHOLD OF TEN (10) SOLAR FACILITIES IN A
7 COUNCILMANIC DISTRICT, NO ADDITIONAL PERMITS SHALL BE ISSUED FOR A
8 SOLAR FACILITY IN THAT DISTRICT UNLESS AN EXISTING FACILITY PREVIOUSLY
9 APPROVED UNDER THIS ARTICLE HAS BEEN REMOVED PURSUANT TO SECTION 4E-
10 107.

11
12 §4E-103. EXCEPTION.

13 THIS ARTICLE DOES NOT APPLY TO THE FOLLOWING SOLAR FACILITY
14 INSTALLATIONS:

15 1. A GROUND-MOUNTED SOLAR FACILITY LOCATED IN A YARD AREA,
16 BUILDING, OR STRUCTURE THAT IS ACCESSORY TO A PRINCIPAL RESIDENTIAL,
17 AGRICULTURAL, COMMERCIAL OR INSTITUTIONAL USE THAT IS ACCESSORY TO
18 A PRINCIPAL RESIDENTIAL OR AGRICULTURAL USE (SUBJECT TO SECTIONS 400.1
19 AND 400.2 OF THESE REGULATIONS APPLICABLE TO ACCESSORY BUILDINGS), OR
20 ACCESSORY TO A PRINCIPAL COMMERCIAL, INDUSTRIAL, OR INSTITUTIONAL
21 USE;

22 2. A ROOFTOP SOLAR FACILITY;
23

1 ~~2~~ 3. A SOLAR FACILITY ON FEDERAL, STATE OR LOCAL GOVERNMENT-
2 OWNED OR LEASED LAND THAT PRODUCES ENERGY FOR GOVERNMENT USE; OR

3 3 4. A SOLAR FACILITY LOCATED ON THE SAME PROPERTY OR TRACT AS
4 A FARM THAT USES AT LEAST 66% OF THE ENERGY GENERATED BY THE
5 FACILITY FOR AGRICULTURAL USES ON THE FARM.

6
7 §4E-104. REQUIREMENTS.

8 A. A SOLAR FACILITY LOCATED IN AN R.C. ZONE IS SUBJECT TO THE
9 FOLLOWING REQUIREMENTS:

10 1. THE LAND ON WHICH A SOLAR FACILITY IS PROPOSED MAY NOT BE
11 ENCUMBERED BY AN AGRICULTURAL PRESERVATION EASEMENT, AN
12 ENVIRONMENTAL PRESERVATION EASEMENT, OR A RURAL LEGACY EASEMENT.

13 2. THE LAND ON WHICH A SOLAR FACILITY IS PROPOSED MAY NOT BE
14 LOCATED IN A BALTIMORE COUNTY HISTORIC DISTRICT OR ON A PROPERTY
15 THAT IS LISTED ON THE BALTIMORE COUNTY FINAL LANDMARKS LIST.

16 3. THE PORTION OF LAND ON WHICH A SOLAR FACILITY IS PROPOSED
17 MAY NOT BE IN A FOREST CONSERVATION EASEMENT, OR BE IN A DESIGNATED
18 CONSERVANCY AREA IN AN R.C.4 OR R.C.6 ZONE.

19 4. ABOVEGROUND COMPONENTS OF THE SOLAR FACILITY, INCLUDING
20 SOLAR COLLECTOR PANELS, INVERTERS, AND SIMILAR EQUIPMENT, MUST BE
21 SET BACK A MINIMUM OF 50 FEET FROM THE TRACT BOUNDARY. THIS
22 SETBACK DOES NOT APPLY TO THE INSTALLATION OF THE ASSOCIATED
23 LANDSCAPING, SECURITY FENCING, WIRING, OR POWER LINES.

1 5. A STRUCTURE MAY NOT EXCEED 20 FEET IN HEIGHT.

2 6. A LANDSCAPING BUFFER SHALL BE PROVIDED AROUND THE
3 PERIMETER OF ANY PORTION OF A SOLAR FACILITY THAT IS VISABLE FROM AN
4 ADJACENT RESIDENTIALLY USED PROPERTY OR A PUBLIC STREET. SCREENING
5 OF STATE AND LOCAL SCENIC ROUTES AND SCENIC VIEWS IS REQUIRED IN
6 ACCORDANCE WITH THE BALTIMORE COUNTY LANDSCAPE MANUAL.

7 7. SECURITY FENCING SHALL BE PROVIDED BETWEEN THE LANDSCAPING
8 BUFFER AND THE SOLAR FACILITY.

9 8. A SOLAR COLLECTOR PANEL OR COMBINATION OF SOLAR COLLECTOR
10 PANELS SHALL BE DESIGNED AND LOCATED IN AN ARRANGEMENT THAT
11 MINIMIZES GLARE OR REFLECTION ONTO ADJACENT PROPERTIES AND
12 ADJACENT ROADWAYS, AND DOES NOT INTERFERE WITH TRAFFIC OR CREATE A
13 SAFETY HAZARD.

14 9. A PETITIONER SHALL COMPLY WITH THE PLAN REQUIREMENTS OF
15 SECTION 33-3-108 OF THE COUNTY CODE.

16 10. IN GRANTING A SPECIAL EXCEPTION, THE ADMINISTRATIVE LAW
17 JUDGE, OR BOARD OF APPEALS ON APPEAL, MAY IMPOSE CONDITIONS OR
18 RESTRICTIONS ON THE SOLAR FACILITY USE AS NECESSARY TO PROTECT THE
19 ENVIRONMENT AND SCENIC VIEWS, AND TO LESSEN THE IMPACT OF THE
20 FACILITY ON THE HEALTH, SAFETY, AND GENERAL WELFARE OF SURROUNDING
21 RESIDENTIAL PROPERTIES AND COMMUNITIES, TAKING INTO ACCOUNT SUCH
22 FACTORS AS THE TOPOGRAPHY OF ADJACENT LAND, THE PRESENCE OF
23 NATURAL FOREST BUFFERS, AND PROXIMITY OF STREAMS AND WETLANDS.

1 B. THE REQUIREMENTS OF SUBPARAGRAPHS A.6, A.7, A.8 AND A.10 SHALL
2 APPLY TO A SOLAR FACILITY LOCATED IN A BUSINESS OR MANUFACTURING
3 ZONE.

4
5 § 4E-105. REQUIRED SECURITY.

6 A. AN APPLICANT FOR A BUILDING PERMIT FOR A SOLAR FACILITY SHALL
7 PROVIDE A SECURITY BOND OR EQUIVALENT FINANCIAL SECURITY IN THE FORM
8 AND AMOUNT DETERMINED BY THE COUNTY ADMINISTRATIVE OFFICER.

9 B. THE CODE OFFICIAL MAY USE THE BOND TO PROCURE THE REPAIR OF ANY
10 UNSAFE OR HAZARDOUS CONDITIONS UNDER SECTION 4E-106 OR REMOVAL OF A
11 SOLAR FACILITY UNDER SECTION 4E-107, IN ACCORDANCE WITH SECTION 3-6-402
12 OF THE COUNTY CODE.

13
14 §4E-106. MAINTENANCE.

15 A. ALL PARTIES HAVING A LEASE OR OWNERSHIP INTEREST IN A SOLAR
16 FACILITY ARE RESPONSIBLE FOR THE MAINTENANCE OF THE FACILITY.

17 B. MAINTENANCE SHALL INCLUDE PAINTING, STRUCTURAL REPAIRS,
18 LANDSCAPE BUFFERS AND VEGETATION UNDER AND AROUND SOLAR PANEL
19 STRUCTURES, AND INTEGRITY OF SECURITY MEASURES. ACCESS TO THE
20 FACILITY SHALL BE MAINTAINED IN A MANNER ACCEPTABLE TO THE FIRE
21 DEPARTMENT. THE OWNER, OPERATOR, OR LESSEE ARE RESPONSIBLE FOR THE
22 COST OF MAINTAINING THE FACILITY AND ANY ACCESS ROADS.

23 C. APPROPRIATE VEGETATION IS PERMITTED UNDER AND AROUND THE SOLAR

COLLECTOR PANELS, AND THE TRACT MAY BE USED FOR ACCESSORY
AGRICULTURAL PURPOSES, INCLUDING GRAZING OF LIVESTOCK, APICULTURE,
AND SIMILAR USES.

D. THE PROVISIONS ON THIS SECTION SHALL BE ENFORCED IN ACCORDANCE
WITH ARTICLE 3, TITLE 6 OF THE COUNTY CODE.

§4E-107. ABANDONMENT; REMOVAL.

A. A SOLAR FACILITY THAT HAS REACHED THE END OF ITS USEFUL LIFE OR HAS
BEEN ABANDONED SHALL BE REMOVED. THE OWNER OR OPERATOR SHALL
PHYSICALLY REMOVE THE INSTALLATION NO MORE THAN 150 DAYS AFTER THE
DATE OF DISCONTINUED OPERATIONS. THE OWNER OR OPERATOR SHALL
NOTIFY THE COUNTY BY CERTIFIED MAIL OF THE PROPOSED DATE OF
DISCONTINUED OPERATIONS AND PLANS FOR REMOVAL.

B. REMOVAL SHALL CONSIST OF THE:

1. PHYSICAL REMOVAL OF ALL SOLAR ENERGY SYSTEMS, STRUCTURES,
EQUIPMENT, SECURITY BARRIERS AND TRANSMISSION LINES FROM THE SITE;
2. DISPOSAL OF ALL SOLID AND HAZARDOUS WASTE IN ACCORDANCE
WITH LOCAL, STATE, AND FEDERAL WASTE DISPOSAL REGULATIONS; AND
3. STABILIZATION OR RE-VEGETATION OF THE SITE AS NECESSARY TO
MINIMIZE EROSION.

C. IF THE OWNER OR OPERATOR FAIL TO REMOVE THE FACILITY WITHIN 150
DAYS OF ABANDONMENT, THE COUNTY RETAINS THE RIGHT TO ENTER AND
REMOVE THE FACILITY. AS A CONDITION OF SPECIAL EXCEPTION APPROVAL,

1 THE PETITIONER AND LANDOWNER AGREE TO ALLOW ENTRY TO REMOVE AN
2 ABANDONED FACILITY.

3 D. THE CODE OFFICIAL MAY ISSUE A CITATION TO THE OWNER OR OPERATOR
4 FOR REMOVAL OF A SOLAR FACILITY IF:

5 1. THE CODE OFFICIAL DETERMINES THAT THE SOLAR FACILITY HAS NOT
6 BEEN IN ACTUAL AND CONTINUOUS USE FOR 12 CONSECUTIVE MONTHS;

7 2. THE OWNER OR OPERATOR FAILED TO CORRECT AN UNSAFE OR
8 HAZARDOUS CONDITION OR FAILED TO MAINTAIN THE SOLAR FACILITY UNDER
9 SECTION 4E-106 WITHIN THE TIME PRESCRIBED IN A CORRECTION NOTICE
10 ISSUED BY THE CODE OFFICIAL; OR

11 3. THE OWNER OR OPERATOR HAS FAILED TO REMOVE THE SOLAR
12 FACILITY IN ACCORDANCE WITH PARAGRAPH C.

13
14 §502.1. Conditions Determining Granting of Special Exception.

15 Before any special exception may be granted, it must appear that the use for which the special
16 exception is requested will not:

17 I. Be detrimental to the environment and natural resources of the site and vicinity including
18 forests, streams, wetlands, aquifers and floodplains in an R.C.2, R.C.4, R.C.5, or R.C.7 Zone,
19 AND FOR CONSIDERATION OF A SOLAR FACILITY USE UNDER ARTICLE 4E, THE
20 INCLUSION OF THE R.C.3, R.C.6, AND R.C.8 ZONE.

21
22 SECTION 2. AND BE IT FURTHER ENACTED, that the Planning Board shall, in
23 consultation with the Departments of Planning and Environmental Protection and Sustainability,

1 and with participation of the Baltimore County Commission on Environmental Quality,
2 representatives of the Solar Industry, the Sierra Club's Greater Baltimore Group, and the Valleys
3 Planning Council, study and evaluate the impact of Solar Facilities in Baltimore County and the
4 effect of Article 4E of these Regulations, and by July 1, 2018 submit recommendations to the
5 County Council and the County Executive regarding potential changes to current law.

6 SECTION 3. AND BE IT FURTHER ENACTED, that this Act, having been passed by
7 the affirmative vote of five members of the County Council, shall take effect on July 17, 2017 and
8 shall apply retroactively to any zoning petition filed after October 18, 2016.

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2017, Legislative Day No. 11

Bill No. 37-17

Mrs. Vicki Almond, Councilwoman

By the County Council, June 5, 2017

A BILL
ENTITLED

AN ACT concerning

Solar Facilities

FOR the purpose of permitting a Solar Facility to be located in certain zones of the County by special exception; providing for a statement of purpose and defining terms; providing exceptions; providing for the requirements for a facility; providing for a required security; providing for the maintenance, abandonment, and removal of a facility; authorizing the Code Official to enforce the provisions of this Act; providing for the application of the Act; and generally relating to Solar Facilities.

BY adding
Article 4E – Solar Facilities
Sections 4E-101 to 4E-107
Baltimore County Zoning Regulations, as amended

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter stricken from existing law.
~~Strike-out~~ indicates matter stricken from bill.
Underlining indicates amendments to bill.

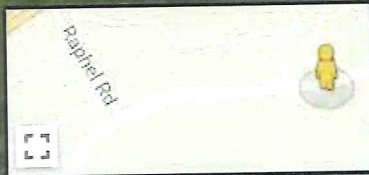
11953 Philadelphia Rd
Kingsville, Maryland



Google, Inc.



Street View - Nov 2016



Google

EXHIBIT

2 A-E

United States Terms Report a problem

11957 Philadelphia Rd
Kingsville, Maryland

Google, Inc.

Street View - Nov 2016

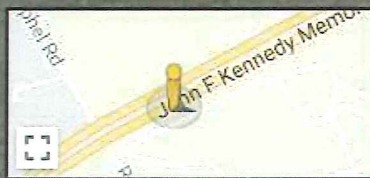


Google

John F Kennedy Memorial Hwy
Kingsville, Maryland

Google, Inc.

Street View - Oct 2017



Google

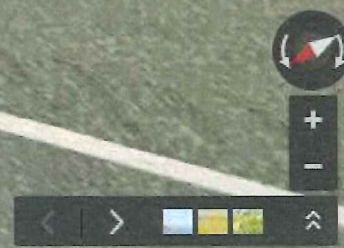


Image capture: Oct 2017 © 2017 Google United States Terms Report a problem

11899 Philadelphia Rd
Kingsville, Maryland

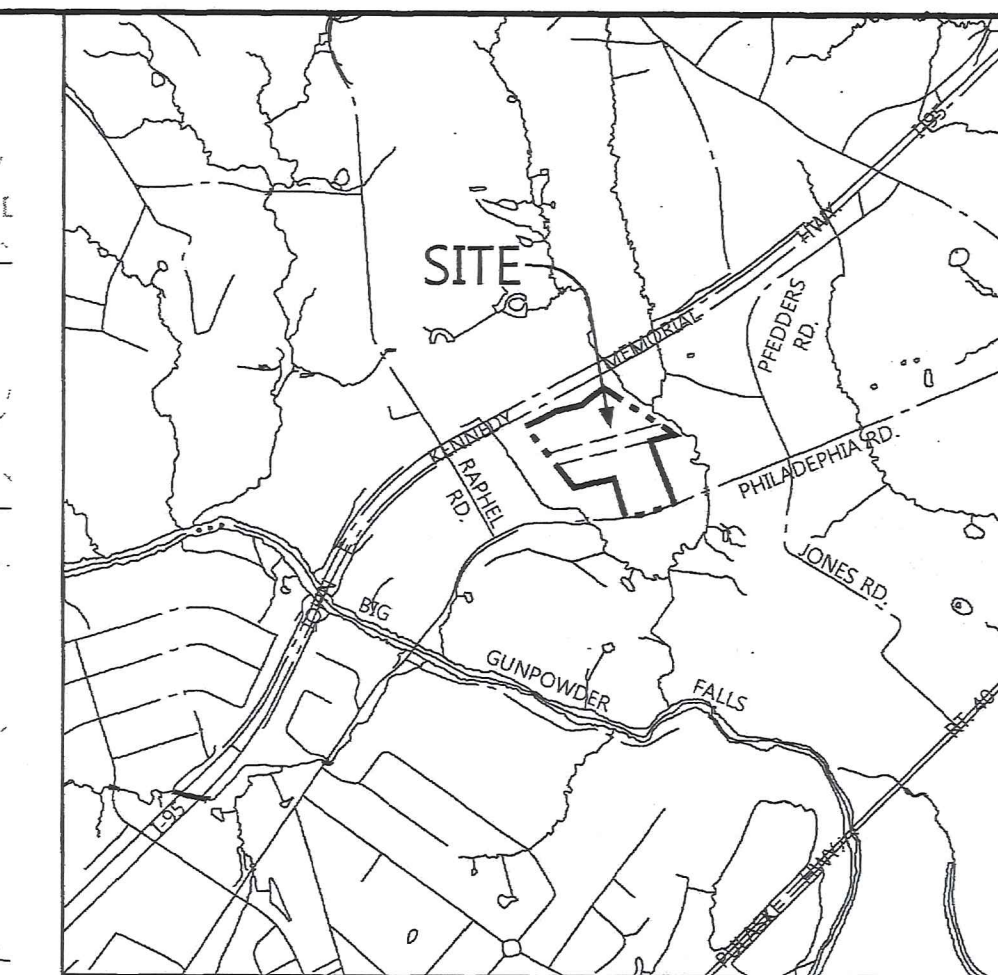
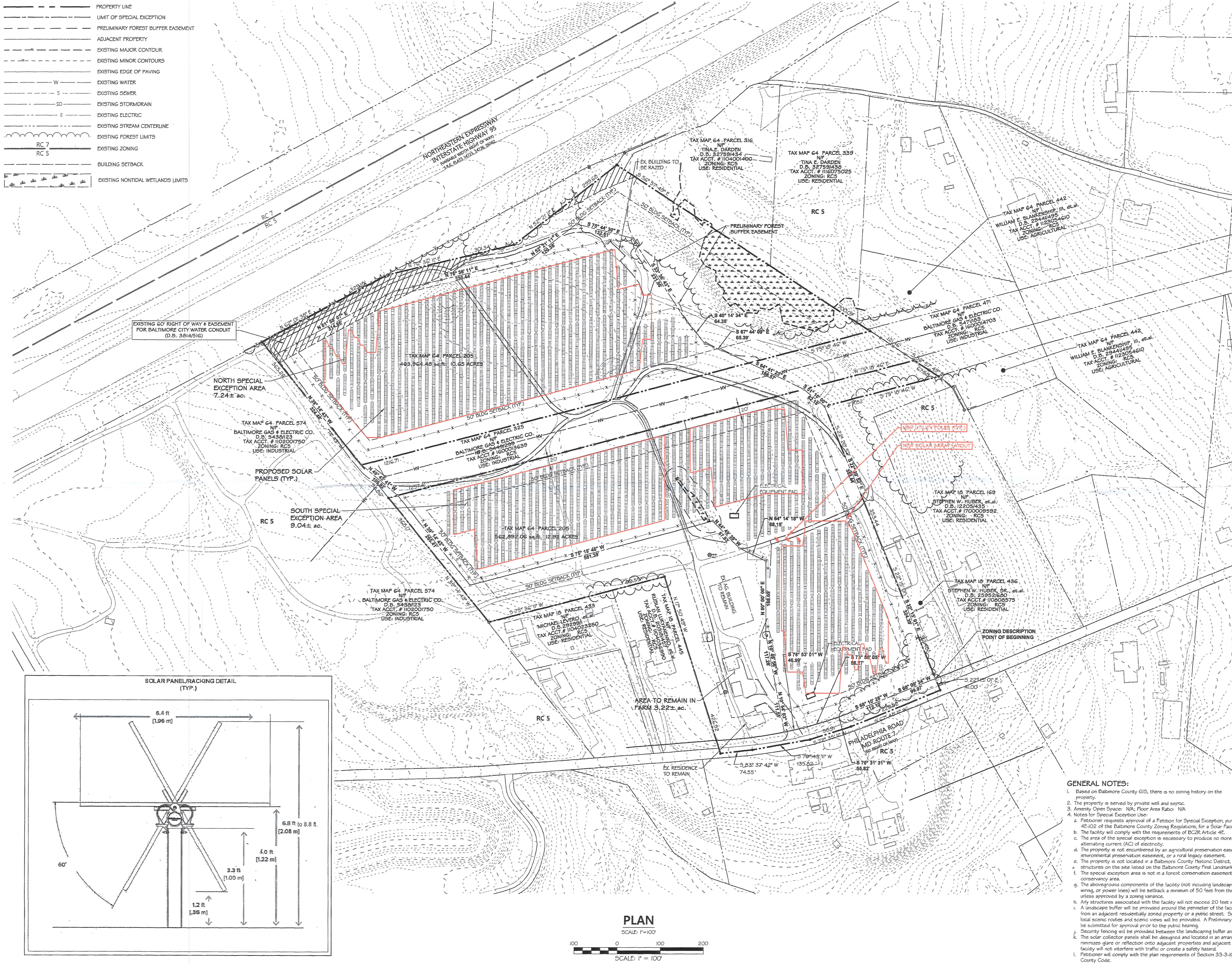
Google, Inc.

Street View - Nov 2016



Google

Navigation controls including a compass, zoom in (+) and zoom out (-) buttons, a Street View pegman icon, and a full-screen button.

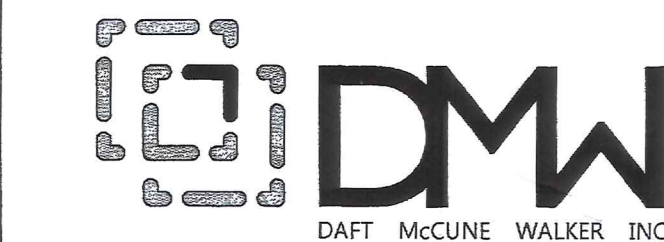


1. OWNER: 11956 PHILADELPHIA ROAD LLC
12140 PULASKI HIGHWAY
BALTIMORE, MD 21095
2. LESSEE: TURNING POINT ENERGY LLC
747 S KORONA ST. SUITE 100
DENVER, CO. 80209
3. TAX MAP/PARCEL: TM 64 GRID 21 PARCEL 206
4. TAX ACCOUNT ID: 1107053325
5. COUNCILMANIC DISTRICT: COUNCILMANIC DISTRICT 6
6. ZONING: RG-5
7. DEED REFERENCE: 33390 / 00001
8. PLAT REFERENCE(S): SHA PLATS 14723, 14726, 26362
9. TOTAL SITE AREA: 1,026,956 sq. ft. - 23.57 ACRES
10. PROJECT'S AREAS:
SOLAR PLANT COVERAGE = 3.63 ACRES
PROPOSED AREA IN FENCE = 15.57 ACRES
BUILDING COVERAGE = 0.26 ACRES
11. FLOOD ZONE: BASED UPON FEMA FIRM MAP NUMBER
2400IC00295G, DATED MAY 5, 2014 THIS
PROJECT APPEARS TO BE LOCATED WITHIN
FLOOD ZONE X - AREAS OUTSIDE THE 0.2%
ANNUAL CHANCE OF FLOODING.

ELECTION DISTRICT:	11
LEGISLATIVE DISTRICT:	7
TAX MAP: 0064, PARCEL:	0205
PREVIOUS COMMERCIAL PERMITS:	NONE
ZONING HEARINGS:	NONE
DEVELOPMENT REVIEW COMMITTEE:	NONE

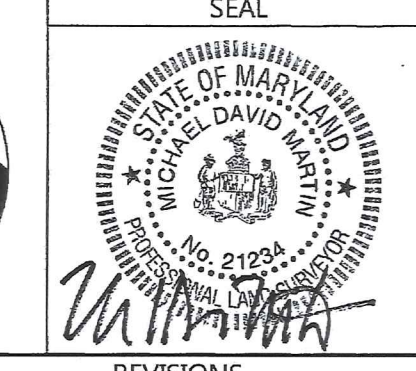
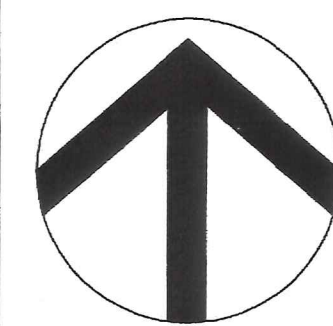
DATA SOURCES:

- THE BOUNDARY, TOPOGRAPHIC, AND EASEMENT INFORMATION SHOWN HEREON IS FROM ELECTRONIC FILES AND AN ALTA SURVEY PROVIDED BY BECKER MORGAN GROUP, INC.
- THE SOILS, FOREST EDGE LIMITS, ROADS, ADJACENT PROPERTY BOUNDARIES, AND STREAMS ARE FROM BALTIMORE COUNTY GIS DATED 2016.
- THE WETLANDS SHOWN HEREON ARE FROM A FIELD SURVEY CONDUCTED BY DMW IN AUGUST 2017.

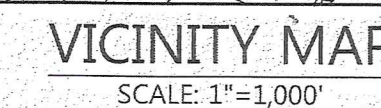
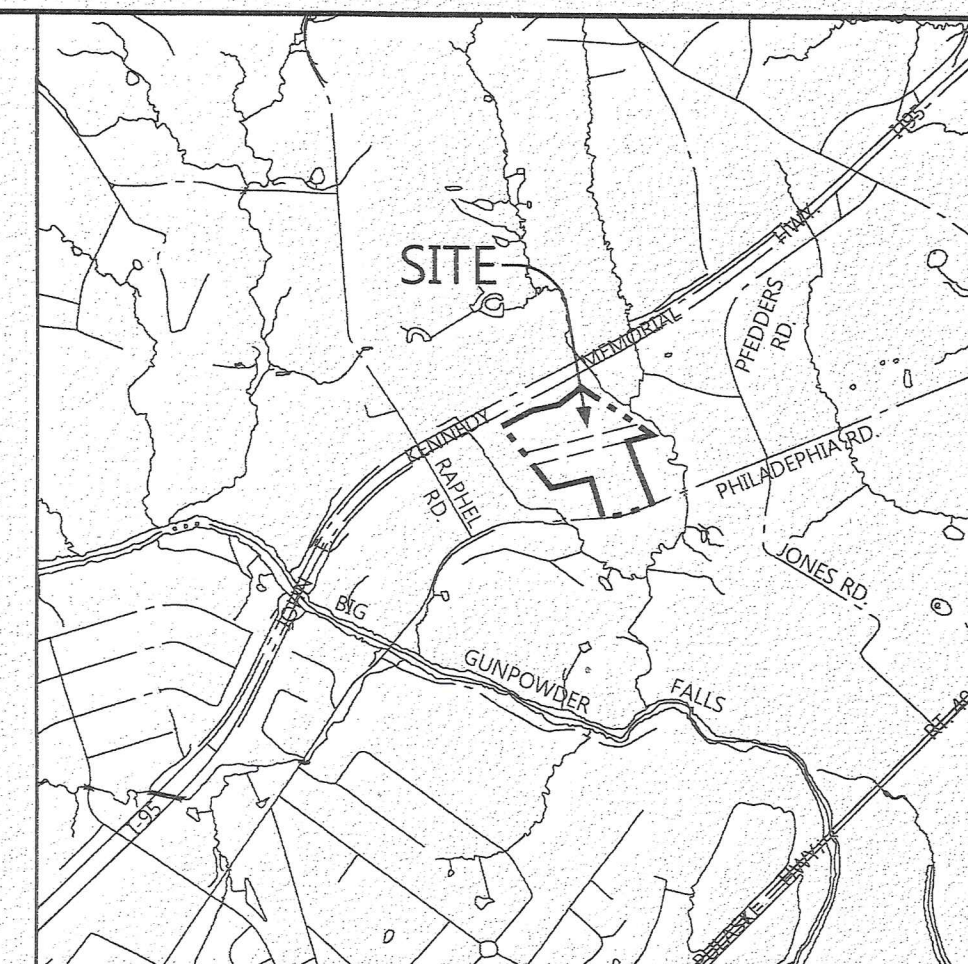
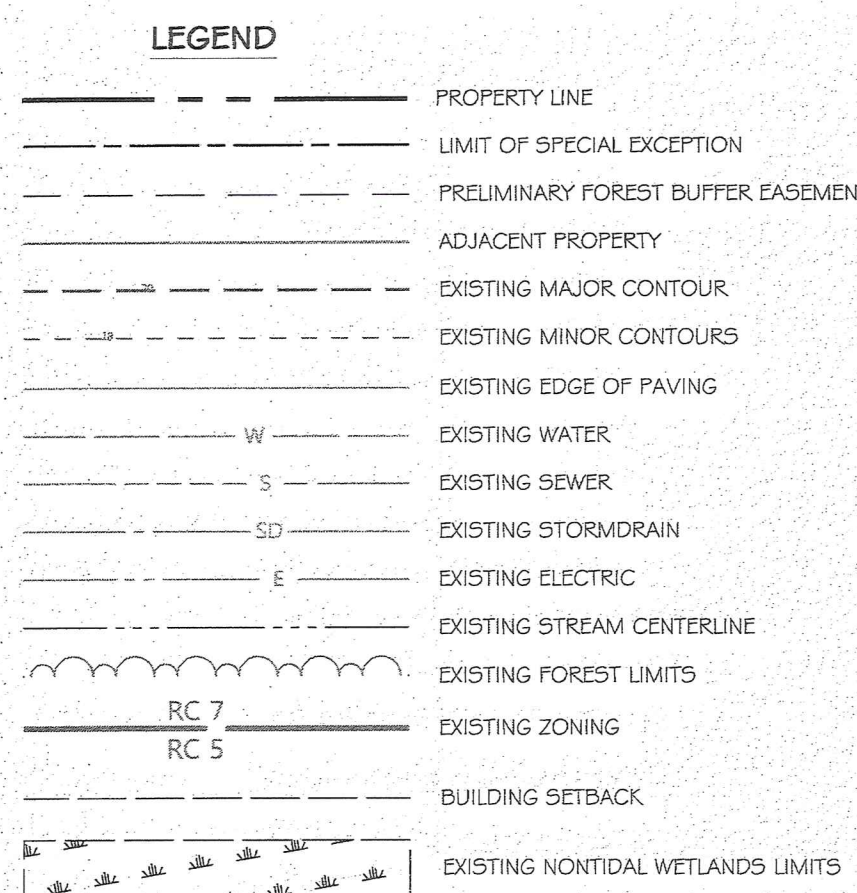


501 FAIRMOUNT AVENUE SUITE 300 TOWSON, MD 21286
P: 410 296 3333 F: 410 296 4705 WWW.DMW.COM

PLAN TO ACCOMPANY
PETITION FOR SPECIAL
EXCEPTION, SPECIAL HEARING
AND/OR ZONING VARIANCE
11956 PHILADELPHIA ROAD

[illegible]

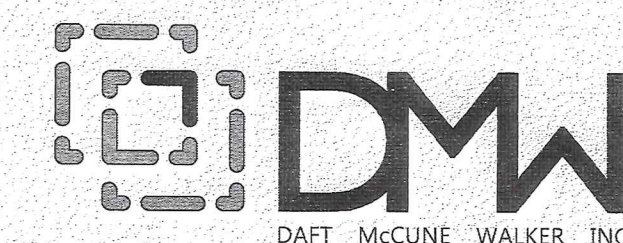
ISSUE DATES		BASE: _____	
REVIEW: _____	09/20/2017	DRAWN: _____	ZNT/EJC/SRB
BID: _____		DESIGNED: _____	
PERMIT: _____		CHECKED BY: _____	
CONSTRUCTION: _____		DATE CHECKED: _____	
SCALE: _____	1"=100'	DRAWING: _____	1 of 1
PROJECT NO: _____	17031		



SITE DATA:

- | | |
|--------------------------------|---|
| 1. OWNER: | 11956 PHILADELPHIA ROAD LLC
12140 PULASKI HIGHWAY
BALTIMORE, MD 21065 |
| 2. LESSEE: | TURNING POINT ENERGY LLC
747 S CORONA ST SUITE 100
DENVER, CO. 80209 |
| 3. TAX MAP/PARCEL: | TM 64 GRID 21 PARCEL 206 |
| 4. TAX ACCOUNT ID: | 1107083325 |
| 5. COUNCILMANIC DISTRICT: | COUNCILMANIC DISTRICT 6 |
| 6. ZONING: | RC-5 |
| 7. DEED REFERENCE: | 33390 / 00001 |
| 8. PLAT REFERENCE(S): | 5HA PLATS 14723, 14726, 26362 |
| 9. TOTAL SITE AREA: | 1,026,856 sq. ft. - 23.57 ACRES |
| 10. PROJECTS AREAS: | SOLAR PANEL COVERAGE = 3.63 ACRES
PROPOSED AREA IN FENCE = 15.57 ACRES
BUILDING COVERAGE = 0.26 ACRES |
| 11. FLOOD ZONE: | BASED UPON FEMA FIRM MAP NUMBER
2400002956, DATED MAY 5, 2014 THIS
PARCEL APPEARS TO BE LOCATED WITHIN
FLOOD ZONE X - AREAS OUTSIDE THE 0.2%
ANNUAL CHANCE OF FLOODING. |
| ELECTION DISTRICT: | II |
| LEGISLATIVE DISTRICT: | 7 |
| TAX MAP: OOG4, PARCEL: | OZ05 |
| PREVIOUS COUNCILMANIC PERMITS: | NONE |
| ZONING HEARINGS: | NONE |
| DEVELOPMENT REVIEW COMMITTEE: | NONE |

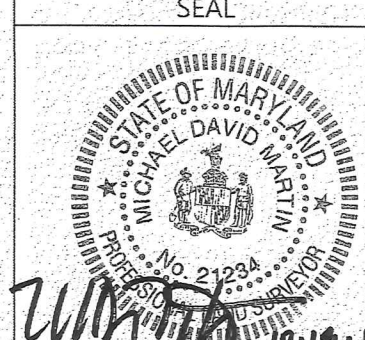
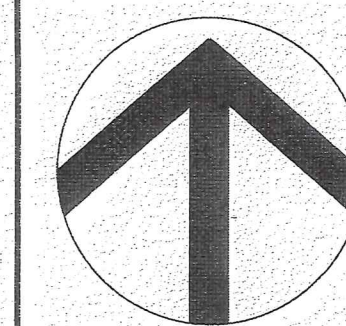
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501 FAIRMOUNT AVENUE SUITE 300 TOWSON, MD 21286
P: 410 296 3333 F: 410 296 4705 WWW.DMW.COM

PLAN TO ACCOMPANY
PETITION FOR SPECIAL
EXCEPTION, SPECIAL HEARING
AND/OR ZONING VARIANCE
11956 PHILADELPHIA ROAD

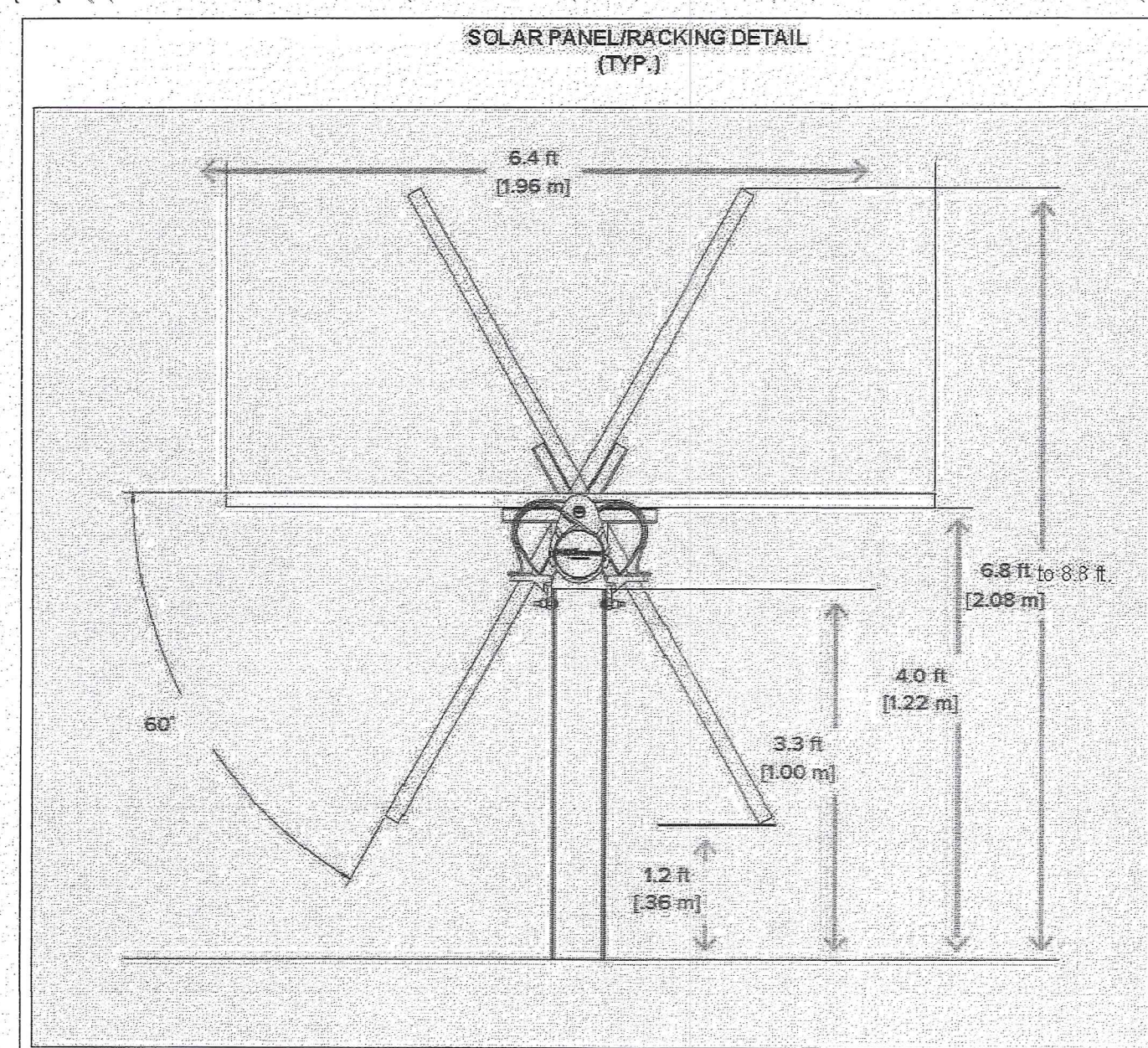
2017-0101-X4

[illegible]

ISSUE DATES		BASE: _____	
REVIEW: _____	<u>09/20/2017</u>	DRAWN: _____	<u>ZNT/EJC/SK</u>
_____	_____	DESIGNED: _____	_____
_____	_____	CHECKED BY: _____	_____
INSTRUCTION: _____	_____	DATE CHECKED: _____	_____
_____	<u>1"=100'</u>	DRAWING: _____	_____
PROJECT NO: _____	<u>17031</u>		

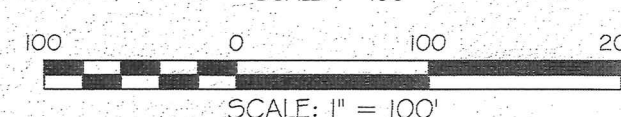
GENERAL NOTES:

1. Based on Baltimore County GIS, there is no zoning history on the property.
2. The property is served by private well and septic.
3. Aesthetics (Open Space): The property is in Area R3A.
4. Notes for Special Exception Use:
 - a. Petitioner requests approval of a Petition for Special Exception, pursuant to Section 41-02 of the Baltimore County Zoning Regulations, for a Solar Facility.
 - b. The facility will comply with the requirements of BZCA Article 21.
 - c. The area of the special exception is necessary to produce no more than two megawatts alternating current (AC) of electricity.
 - d. The property is not used for any other agricultural preservation easement, an environmental preservation easement, or a rural legacy easement.
 - e. The property is not located in a Baltimore County Historic District, and there are no historic landmarks on the site.
 - f. The property is not located in a Baltimore County Park or Landmark List.
 - g. The special exception area is not in a forest conservation easement or a designated conservancy area.
5. The aboveground components of the facility (not including landscaping, security fencing, wiring or power lines) will be set back a minimum of 50 feet from the tract boundary unless approved by a zoning variance.
6. Any structures associated with the facility will not exceed 20 feet in height.
7. A landscape buffer will be designed to minimize the intrusion of the facility into the surrounding area. Landscaping and scenic views will be provided. A Preliminary Landscape Plan will be submitted for approval by the Planning Commission.
8. Security fencing will be provided between the landscaping buffer and the facility.
9. The solar collector panels shall be designed and located in an arrangement that minimizes glare or reflection onto adjacent properties and adjacent facilities will not interfere with traffic or create a safety hazard.
10. Petitioner will comply with the plan requirements of Section 33-3-10 of the County Code.
11. Petitioner is not approved for this proposed facility.

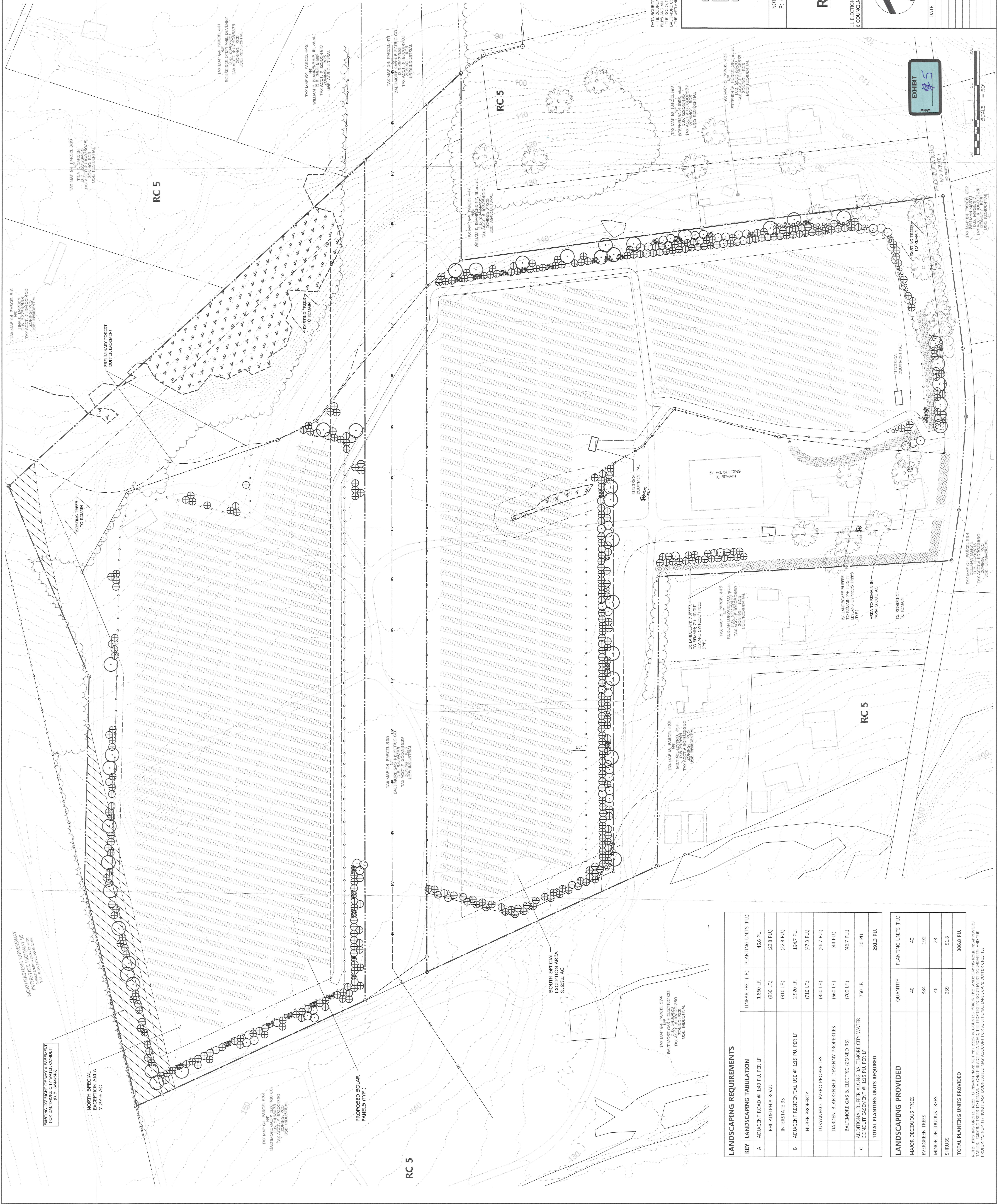
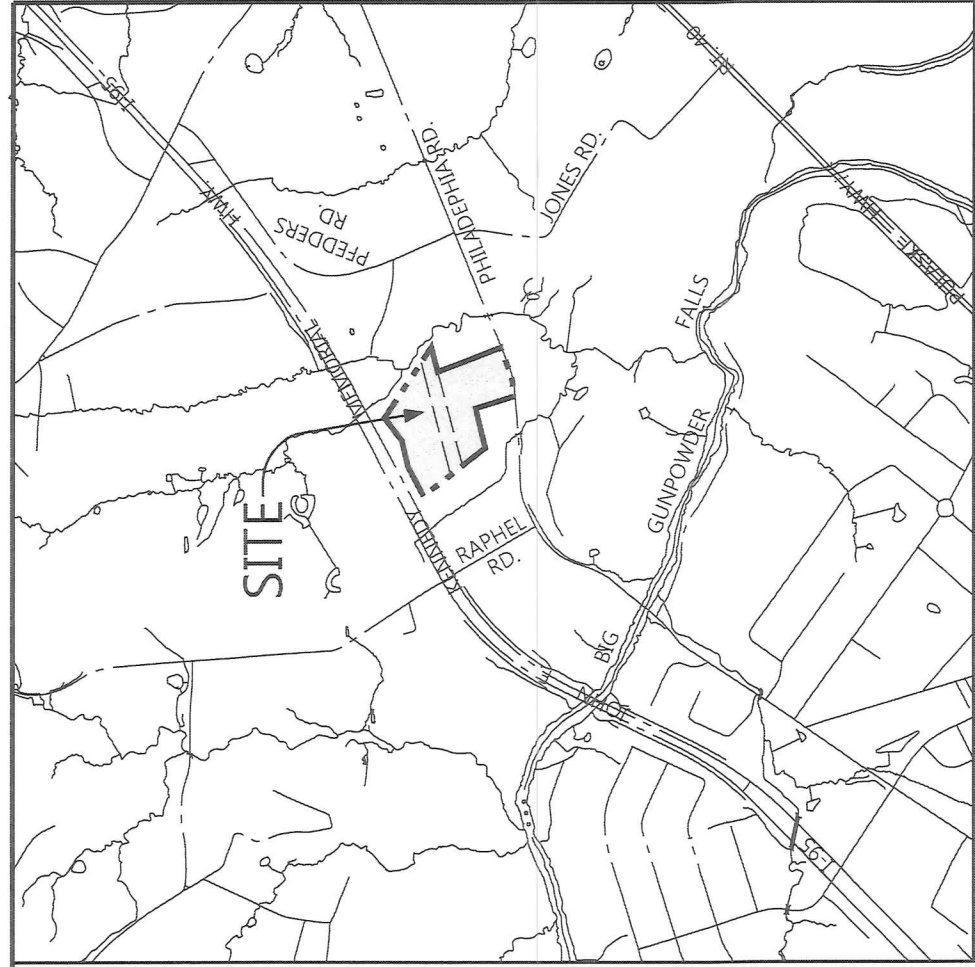


PLAN

SCALE: 1"=100'



n. No more than ten (10) solar facilities may be located in a councilmanic district. This proposed facility will not exceed the 10-maximum



LANDSCAPING REQUIREMENTS		
KEY	LANDSCAPING TABULATION	PLANTING UNITS (PU)
A	ADJACENT ROAD @ 140 PU PER LF.	466 PU.
	PHILADELPHIA ROAD	(950 LF.)
	INTERSTATE 95	(238 PU.)
		(228 PU.)
B	ADJACENT RESIDENTIAL USE @ 115 PU PER LF.	(910 LF.)
	ADJACENT RESIDENTIAL USE @ 115 PU PER LF.	(910 LF.)
	HUBER PROPERTY	194.7 PU.
		(710 LF.)
	LUXENBERG, LEVERO PROPERTIES	(850 LF.)
	DARZEN, BLANKENSHIP, DEVENNY PROPERTIES	(660 LF.)
	BAITMORE GAS & ELECTRIC (ZONED R5)	(44 PU.)
	ADDITIONAL BUFFER ALONG BALTIMORE CITY WATER CONDUIT EASEMENT @ 115 PU PER LF.	(700 LF.)
C		(467 PU.)
		50 PU.
	TOTAL PLANTING UNITS REQUIRED	291.3 PU.

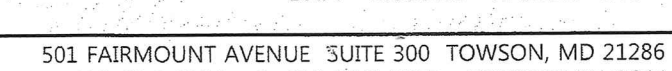
LANDSCAPING PROVIDED		QUANTITY	PLANTING UNITS (PU)
MAJOR DECIDUOUS TREES		40	40
EVERGREEN TREES		384	192
MINOR DECIDUOUS TREES		46	23
SHRUBS		259	51.8
TOTAL PLANTING UNITS PROVIDED			266.8 PU

NOTE: EXISTING ON-SITE TREES TO REMAIN HAVE NOT YET BEEN ACCOUNTED FOR IN THE LANDSCAPING REQUIRED PROVIDED TABLES. EXISTING TREES TO REMAIN ALONG PHILADELPHIA ROAD, THE PROPERTY'S SOUTHWEST BOUNDARIES, AND THE PROPERTY'S NORTH / NORTHEAST BOUNDARIES MAY ACCOUNT FOR ADDITIONAL LANDSCAPE BUFFER CREDITS.



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- THE SOILS, FOREST EDGE LIMITS, ROADS, ADJACENT PROPERTY BOUNDARIES, AND STREAMS ARE FROM BALTIMORE COUNTY GIS DATED 2016.
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[illegible]

1 of 1