

**CONCEPT SITE PLAN REPORT**  
to the  
**Carroll County Planning and Zoning Commission**  
**July 18, 2023**

**Prepared by**  
**Kierstin Marple, Bureau of Development Review**

**SUBJECT:** S-21-0019 - Westminster Solar

**LOCATION:** East side of MD 97 (Littlestown Pike), north side of Old Bachmans Valley Road, Westminster, MD 21157, C.D. 3

**OWNER:** Westminster Solar LLC, 2003 Western Ave, Suite 225, Seattle, WA, 98121

**DEVELOPER:** Same as owner

**ENGINEER:** Kimley-Horn, 1801 Porter Street, Suite 401, Baltimore, MD 21230

**ZONING:** Light Industrial (I-1)

**ACREAGE:** 6.98 Acres

**WATERSHED:** Liberty Reservoir

**FIRE DISTRICT:** Westminster

**MASTER PLAN:** Industrial

**PRIORITY**

**FUNDING AREA:** Westminster

**DESIGNATED**

**GROWTH AREA:** Westminster

❖ **Action Required:**

The plan is before the Planning and Zoning Commission per Chapter 155 of the Code of Public Local Laws and Ordinances of Carroll County for consideration of a concept site plan. No action is required.

The Planning Commission may consider delegating approval of the final site plan to the Planning Commission Chair.

❖ **Existing Conditions:**

The subject property is a 6.98-acre Light-Industrial (I-1) zoned property located at the juncture of Littlestown Pike (MD 97) and Old Bachmans Valley Road, northeast of the City of Westminster. It is on the eastern side of MD 97 and the northern side of Old Bachmans Valley Road. The property is currently vacant except for an existing outdoor advertising billboard near MD 97 along its western property boundary.

There are no streams or floodplains on the property. There are no forests on the property, however there are some trees along the northeastern and southern property boundaries as well as a few areas of brush. The property is largely flat, with about a 10 ft difference between the highpoint where the driveway is and the lower areas along the northern and eastern boundaries.

The property itself and the adjacent properties to the north, east, south, and southwest are within the County. The properties to the north and southwest, as well as the westernmost portion of the property to the immediate south, are zoned I-1. The northern properties are developed with commercial uses, the southern properties are fields, and the southwestern properties comprise the Carroll County Regional Airport. The eastern portion of that southern property and the adjacent properties to the east are zoned Residential-40,000 and are used residentially and as farms. Properties to the west are within the City of Westminster's municipal limits and consist of a business park. The property and the adjoining properties are within the Westminster growth and priority funding areas. The site is within an existing water and sewer service area.

❖ **Plan Review:**

On October 28, 2021, the developer has submitted a site plan proposing to develop the property as a ground-mounted solar panel facility. This is a principal permitted use in the I-1 district per Section 158.153(D) of the Zoning Code:

**(D) Solar energy generating systems, in industrial zones.**

- (1) Solar energy conversion facilities shall be permitted in the I-2 and I-1 Districts whether roof-mounted or ground-mounted.

The plan was subject to citizen involvement during a regularly held meeting of the December 27, 2021, Technical Review Committee. No citizens spoke at the meeting.

The solar panels are proposed within the center of the site, enclosed within a chain-link fence and with a gated maintenance driveway that provides access to Old Bachmans Valley Road on the southwestern side of the property. Landscaping is proposed around the entire site on the outside of the fence. The powerline interconnection equipment and poles are to be located to the west of the maintenance entrance. The panels will be approximately 9 feet tall, and the panels will not move to track the sun. No lights or signs are proposed.

The landscaping for this site was previously considered by the Planning and Zoning Commission during the August 16, 2022, monthly meeting (minutes attached). The project was presented to the Commission as a special report, wherein the developer requested that the standard setback distances be reduced by 50% and supplemental landscape screening be provided instead, in accordance with Section 158.153(D) of the Zoning Code:

**(3) Setbacks.**

- (a) Setbacks shall be 200 feet from the boundaries of all adjoining residentially zoned properties, and 100 feet from the boundary lines of adjoining nonresidentially zoned properties.

- (b) The Planning Commission may reduce required setback for any yard setback by up to 50% provided that supplemental landscaping, as may be determined by the Planning Commission, is provided.

The developer has proposed that a 15-foot-deep landscape buffer be provided around the entirety of the site. The landscape buffer will be located on the outside of the chain link fence. In areas where existing trees are in the buffer zone and are in good condition, the existing trees will be incorporated as well. The Commission approved this request, and the setbacks and landscaping on the present plan are in accordance with that approval. Landscape review has granted concept approval of the plan.

On the northeastern side of the property, between the solar panels and the fence with landscaping, an area of new forest conservation planting is proposed. The new forest conservation area is 0.38 acres in size, and an additional 0.47 acres of required forest mitigation will be met via off-site forest bank credit. Forest Conservation review has not yet issued approval, and final details will be addressed via the final plan review.

Grading and Sediment control offices have both approved the concept plan. The property is proposed to be graded along the center and western areas in order to adjust how the panels will sit on the property and where stormwater runoff flows. Two stormwater management bio-swales and underground storage facilities will be located on the interior side of the fence line that runs along the northern and western sides of the site. The swales both contain check dams and vegetation that will slow the flow of water and allow the vegetation to absorb the runoff. The swales ultimately direct stormwater to the northwest corner of the property, where there are overflow pipes and an outlet that will discharge excess stormwater during heavy rainfall. Concept Stormwater Management approval has been granted.

Water Resource Management review has approved the plan, which does not contain any streams, and this site is exempt from Floodplain requirements.

Fire Protection and Engineering Review have approved the plan. The entrances to the site will be consolidated to one single entrance on the southwestern side, and the single entrance provides area for a vehicle to turn around. The Health Department has also approved the plan, which does not propose any water or sewer/septic use.

The Zoning Administration has approved the plan, and the Office of Comprehensive Planning has noted that the plan is in compliance with the 2007 Westminster Environs Community Comprehensive plan and the Carroll County Water and Sewer Master Plan.

The State Highway Administration has reviewed the plan and issued concept approval. Although the site does not propose access to MD 97, this portion of the State road is planned to be expanded in the future. The plans indicate that a 30' deep area of the property adjacent to MD 97 will be conveyed to the State as a part of this approval, and that an additional 60' deep area of frontage along MD 97 is reserved for future conveyance once the widening project proceeds. All proposed development for the solar panel facility is outside of these dedication areas, and additional details will be furnished during the final plan review.

As the site is within 1 mile of the City of Westminster, the City has reviewed the plan has no outstanding comments. As this project is close to the Regional Airport, the County Airport Manager has also reviewed the project in accordance with Federal Aviation Administration regulations and acknowledges that the solar panels are in compliance.

The final site plan will be tested and reviewed for adequacy of public facilities in accordance with Chapter 155 of the Code of Public Laws and Ordinances of Carroll County Maryland.

**ADMINISTRATIVE REPORT**

**A. ADMINISTRATIVE MATTERS**

Secretary Eisenberg stated there were no extensions.

**B. EXTENSIONS**

There were no extensions to report.

**C. BZA CASES**

Abigail Rogers reported there were two cases that were approved in July: Case No. 6400 and Case No. 6202. Ms. Rogers stated there will be two cases for August: Case No. 6404 and Case No. 6409.

**D. OTHER**

There were no other reports.

**SPECIAL REPORT**

SUBJECT: S-21-0019 - Westminster Solar  
LOCATION: East side of MD 97 (Littlestown Pike), north side of Old Bachmans Valley Road, Westminster, MD 21157, E.D. 7  
OWNER: Westminster Solar LLC, 2003 Western Ave, Suite 225, Seattle, WA, 98121  
DEVELOPER: OneEnergy Development, LLC, 2003 Western Ave, Suite 225, Seattle, WA, 98121  
ZONING: Light Industrial (I-1)  
ACREAGE: 6.98 Acres

❖ **Action Requested:**

The plan is before the Planning and Zoning Commission as a special report regarding a setback reduction per section 158.153(D)(3) of the Carroll County Code. **Action is required.**

❖ **Background:**

The subject property is a 6.98-acre Light-Industrial (I-1) zoned property located along the east side of Littlestown Pike (MD 97), northeast of the City of Westminster. The property is currently vacant, and the developer has submitted a site plan proposing to develop the site as a ground-mounted solar panel facility. Solar panels are proposed within the center of the site, enclosed within a chain-link fence and with driveway access to Old Bachmans Valley Road on the southwestern side of the property.

The site is being reviewed per Section 158.153(D) of the Zoning Code, which pertains to solar energy conversion facilities in the industrial zoning districts:

(D) **Solar energy generating systems, in industrial zones.**

(1) Solar energy conversion facilities shall be permitted in the I-2 and I-1 Districts whether roof-mounted or ground-mounted.

(2) **Size limits.**

(a) When roof-mounted, the physical size of the system shall be limited to the size of the roof.

(b) There shall be no size limit for ground-mounted systems.

(3) **Setbacks.**

(a) Setbacks shall be 200 feet from the boundaries of all adjoining residentially zoned properties, and 100 feet from the boundary lines of adjoining nonresidentially zoned properties.

(b) The Planning Commission may reduce required setback for any yard setback by up to 50% provided that supplemental landscaping, as may be determined by the Planning Commission, is provided.

Per Section (D)(3)(b) of the above referenced code, the developer has requested that the Planning and Zoning Commission consider their request to reduce the minimum setback distances from all property lines by 50%. The northern, western, and southern property lines are adjoined by industrially zoned properties (I-1 in the County, Industrial-Restricted in the City), and the eastern property line adjoins a Residential-40,000 zoned property. The proposed setback from the residentially zoned property is 100' versus the 200' standard, and the proposed setback from the non-residentially zoned properties is 50' versus the 100' standard.

In conjunction with this request, supplemental landscaping has been provided along all property lines. The developer is proposing Class C screening, which has the highest density of planting units when compared to other screening classes from the Landscape Manual. The 15' deep screening outlines the entire footprint of the site, with the only exception being two 20' wide gaps where the access drive and the electrical connection are located, near the southwestern corner of the site. There will be two areas along the southern property line which will supplement the proposed new plantings with existing trees and shrubs.

The landscaping is to be located outside of the fenced area and generally abutting the property lines of the site. However, the fence and landscaping are located further away from the western property line along Littlestown Pike (MD 97) to allow for planned future road widening. The State Highway Administration has required that no development features be located within the area impacted by the future expansion, which is reflected in the plan.

In addition to the landscaping screening against all property lines, a 0.3 acre forest conservation easement is proposed between the adjacent residential property to the east and the solar facility.

The concept review is in the technical review process and the plan will be back before the Planning and Zoning Commission for review and consideration of a concept plan.

**Discussion:**

Kierstin Eggerl presented the staff report.

Kelly Shaffer-Miller, Attorney, Katelyn Larkin, Developer, and Nick Leffner, Engineer were present.

Chair Wothers asked if the gate location can be changed as the project moves forward.

Mr. Lester asked if there can be berms added.

Mr. Kane asked for clarification regarding the fencing in relation to the residential area and the height of the panels.

Ms. Larkin stated the panels are about nine feet tall and are fixed, they do not track the sun and do not move.

John Frock, citizen, owns the neighboring farm and would like the site treated like the surrounding residential area. Mr. Frock would like the existing vegetation between the site and his farm to be removed and to be replaced with new landscaping around the site and is not in favor of the setback request.

Mark Wehland, citizen, is concerned about the visual effect of the solar site and making sure it is screened thoroughly.

Ms. Shaffer-Miller stated they will look into the Commission's comments and be prepared to answer them when they are back for the Concept Plan.

**Decision:**

The Commission, on motion of Ms. Kirkner, seconded by Mr. Kane and carried, voted to approve the setback reduction in accordance with Chapter 158.153 (D)(3).

**CONCEPT SITE PLAN**

SUBJECT: S-19-0030, Heird Property Assisted Living  
LOCATION: East side of Houcksville Road, south of Saint Paul Road, E.D. 8  
OWNER: Steven Buchman Heird, 2728 Chestnut Run Road, York, PA 17402  
DEVELOPER: same as owner  
SURVEYOR: CLSI, 439 East Main Street, Westminster, MD 21157  
ZONING: Agriculture  
ACREAGE: 18.2764 acres  
WATERSHED: Liberty Reservoir  
NO. OF UNITS: 80 beds  
FIRE DISTRICT: Hampstead  
MASTER PLAN: Agriculture  
PRIORITY  
FUNDING AREA: Outside  
DESIGNATED  
GROWTH AREA: Outside

❖ **Action Required:**

The plan is before the Planning and Zoning Commission per Chapter 155 of the Code of Public Local Laws and Ordinances of Carroll County for consideration of a concept site plan. **No action is required.**

❖ **Existing Conditions:**

On November 19, 2019, the Planning and Zoning Commission approved a final plan of subdivision for Heird Ridge & Amended Plat of Lot 1, Buchman Ridge which has since been recorded in Plat Book 56, Page 98 (plat attached). The subject property is the 18.2764-acre Remaining Portion as noted on that plat.