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WRITTEN SUBMITTAL IN OPPOSITION TO RE-ZONING REQUEST

To: Pete Gutwald (Secretary to the Planning Board)

From: Lawrence E. Schmidt (Attorney for Property owner) lschmidt@sgs-law.com

Property Address: East of Hanover Road, North of Frye Road

Issue No.: 3-051

Tracking Number: CZMP20-00297

Property owner(s): Woodensburg Land and Cattle Company, LLC

Applicants for zoning change: County Council

Property size: 19.35+/- acres

Existing Zoning: RC 2 (19.35 acres)

Requested zoning: RC 50 (19.35 acres)

Staff recommendation: RC 2 (19.35 acres)

Proposed Use: The Property is proposed to be utilized for a solar facility and received zoning approval (special exception) by the Baltimore County Board of Appeals on 12/19/19. The solar facility is designed to capture energy from the sun and feed directly into the power grid maintained by BGE. The solar facility will generate under two megawatts of renewable electricity per year.

Justification Against Zoning Change: In an attempt to prevent the solar facility, the Protestants in the zoning case apparently persuaded the County Council (Wade Kach) to request a downzoning of the Property to a zone (RC 50) which is inconsistent with the surrounding area and does not permit solar facilities. The requested RC 50 zone is a Critical Area zone designation and reserved for properties within the Chesapeake Critical Area. The Property is in northern Baltimore County well outside the Critical Area. Solar energy is a renewable energy source, whose development use is encouraged by the State of Maryland. The solar facility project on the Property is enrolled in the Community Solar Energy Pilot program established pursuant to legislation enacted by the State (See Annotated Code of Maryland, Public Utilities Article, Sec. 7-306.2). This program encourages the development of solar energy facilities to be utilized as an alternative to the use of fossil fuels and is to comprise 25% of the State's energy use by 2021. The Property owner requests that the Planning Board respect the zoning process which had resulted in approvals issued by both the Administrative Law Judge and Board of Appeals. The solar facility developer and Property owner have invested significant time/effort and financial resources and request that the Planning Board respect the zoning process which is presently pending in Circuit Court. The classification proposed, if adopted, is likely illegal and contrary to the Master Plan and BCZR.

THE PROPERTY OWNER REQUESTS THAT THE RECOMMENDATION OF THE STAFF BE ADOPTED BY THE PLANNING BOARD.

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