

**MOUNTAIN VALE SOLAR
CONDITIONAL USE NO. CU202507 and
FINAL FOREST CONSERVATION PLAN NO. F20250530**

Description

Request for Conditional Use approval to construct a Solar Collection System 2 megawatt (MW) or less in the Agricultural Reserve (AR) zone and Forest Conservation Plan (FCP) No. F20250530.

Exhibit 15
OZAH Case No: CU 25-07

COMPLETED: 6/16/2025
PLANNING BOARD HEARING DATE: 6/26/2025
MCPB ITEM NO. 10

Planning Staff

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LOCATION/ADDRESS

17700 Barnesville Road, Barnesville

MASTER PLAN

1980 *Preservation of Agriculture and Rural Open Space*

ZONE

Agricultural Reserve (AR)

PROPERTY SIZE

109.52 acres (Conditional Use Area: 11.23 acres)

APPLICANT

Davis Hill Development, LLC

ACCEPTANCE DATE

March 25, 2025

REVIEW BASIS

Chapters 59 & 22A

HEARING EXAMINER PUBLIC HEARING

July 29, 2025

Summary:

- Staff recommends approval of the Conditional Use with conditions and transmittal of comments to the Hearing Examiner for a hearing scheduled for July 29, 2025.
- Staff recommends approval of the associated Forest Conservation Plan with conditions.
- The Subject Site has an existing farm in use with crop rotation. The Proposal would allow for a 2MW or less Solar Collection System on 11.23 acres of the overall 109.52-acre parcel.
-
- Staff has not received any public correspondence as of the date of this Staff Report.
- A Preliminary Plan is not required for the Solar Collection System. The APF is determined as part of this Conditional Use.

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SECTION 1: RECOMMENDATIONS AND CONDITIONS

CONDITIONAL USE NO. CU202507

Staff recommends approval of Mountain Vale Solar, Conditional Use No. CU202507, for a Solar Collection System 2MW or less, subject to the following conditions:

1. The use is limited to the construction of a Solar Collection System of 2MW or less in size.
2. Before issuance of any building permit or sediment control permit, whichever comes first, the Applicant must enter into a Surety and Maintenance Agreement with the Planning Board in a form approved by the M-NCPPC Office of General Counsel, outlining the responsibilities of the Applicant. The Agreement must include a performance bond or other form of surety, with the following provisions.
 - a) A cost estimate of the materials and facilities, which, upon Staff approval, will establish the surety amount.
 - b) The cost estimate must include landscaping, fencing and all onsite paving.
 - c) Completion of all improvements covered by the surety will be followed by an inspection and, if necessary, a potential reduction of the surety.
 - d) The bond or surety for each item shall be clearly described within the Surety & Maintenance Agreement, including all relevant conditions.
3. The Applicant must schedule a preconstruction meeting (pre-con), preferably on-site, with staff from the Department of Permitting Services (DPS) responsible for Conditional Use Plan conformance and compliance. The pre-con must occur before any site development work and any work covered by the surety and maintenance agreement commences. The Applicant, along with their representatives, must attend the pre-con with DPS Staff. A copy of the approved Conditional Use Plan, along with any subsequent amendments, must be on-site at all times.
4. Before approval to release any portion of the performance bond, the Applicant must deliver to the Planning Department, with a copy to MCDPS, certification by a professional engineer licensed in the State of Maryland that the fire access improvements have been constructed and installed per the recommendations from the Fire Department Access and Water Supply Section, and as shown in the approved MCDPS fire access plan, or as amended.
5. Before release of the access permit by the Montgomery County Department of Transportation or the Department of Permitting Services, the Applicant will dedicate by deed the right-of-way:
 - a. To the east of the Town of Barnesville Limits:
 - i. Right-of-way measuring 70 feet from the opposite right-of-way line along the Property frontage from Conoy Road to the west to the Town of Barnesville Limits.
 - b. To the west of the Town of Barnesville Limits:
 - i. Right-of-way measuring 35 feet to the Property Line where the Property Line is north of the roadway centerline
 - ii. Right-of-way measuring 35 feet to the roadway centerline where the Property Line is south of the roadway centerline

FOREST CONSERVATION PLAN F20250530

1. The Applicant must schedule the required site inspections by the M-NCPPC Forest Conservation Inspection Staff per Section 22A.00.01.10 of the Forest Conservation Regulations.
2. The Applicant must comply with all tree protection and tree save measures shown on the approved Final Forest Conservation Plan. Tree save measures not specified on the Final Forest Conservation Plan may be required by the M-NCPPC Forest Conservation Inspection Staff.
3. The Limits of Disturbance (“LOD”) shown on the Final Sediment and Erosion Control Plan must be consistent with the LOD shown on the approved Final Forest Conservation Plan.
4. Before the start of any demolition, clearing, grading, or construction for this development Application, whichever comes first, the Applicant must:
 - a) Record a Category I Conservation Easement over all areas of forest retention and environmental buffers, as specified on the approved Final Forest Conservation Plan. The Category I Conservation Easement must be in a form approved by the M-NCPPC Office of the General Counsel. It must be recorded in the Montgomery County Land Records by deed.
 - b) Install permanent conservation easement signage along the perimeter of the conservation easements as shown on the FCP, or as directed by the M-NCPPC Forest Conservation Inspection Staff.

SECTION 2: NEIGHBORHOOD & SITE DESCRIPTION

VICINITY/NEIGHBORHOOD

The Subject Property, outlined in the yellow dashed line, is located at 17700 Barnesville Road, Barnesville and is within the 1980 *Preservation of Agriculture & Rural Open Space Master Plan*.

For Conditional Use cases, the Planning Board must determine the compatibility of the proposed use with the surrounding area. To do so, it is necessary to delineate the ‘surrounding neighborhood,’ which is the area that the proposed use will most directly impact. Once delineated, Staff must assess the character of the neighborhood and determine whether the proposed conditional use will adversely impact that character.

As shown in Figure 1, Staff defines the surrounding neighborhood as agricultural in nature with some low-density residential development. The Property is partially located in the Town of Barnesville on the western side. The properties to the north, east, and south are all zoned Agriculture Reserve (AR) and the properties to the northwest, southwest, and west are located in the Town of Barnesville, which has its zoning regulations.



Figure 1: Vicinity Map with Staff-defined neighborhood

Staff identified two existing, approved conditional use/special exceptions within the defined neighborhood:

- CBA-2579, S116, S688(A-E): 21830 Peach Tree Road, The Barnesville School of Arts & Sciences, Private Educational Institution
- S1050 & S2118: 17411 Conoy Road, Group Home up to 14 persons (Residential Care Facility under current code)

If approved, this will be the only Solar Collection System within the general area and therefore will not overburden the neighborhood with Conditional Uses or specifically Solar Collection Systems.

PROPERTY DESCRIPTION

The Property, outlined in yellow dashed line in Figures 2 and 3, consists of 109.52 acres. The Property is identified as Parcel P020 with a legal description of Mountain Vale on Tax Map 11-00920793. The Property is located in the Agriculture Reserve (AR) zone.

The Property consists of an existing single-family detached house with an existing driveway on Barnesville Road and fields currently used for farming and agricultural activities. The property consists of two separate pieces of land, separated by Barnesville Road. One portion of the Property is located on the south side of Barnesville Road and the other portion is diagonally northeast of it. The Application for the Conditional Use is for the western portion of the two pieces of land on the south side of Barnesville Road. Approximately one quarter of the western portion of the Property is located in the Town of Barnesville. The proposed Solar Collection System will be located entirely outside the Town of Barnesville. The site contains streams, stream buffers, wetlands, wetland buffers, 100-year floodplains, and hydraulically adjacent steep slopes. The site drains to Little Monocacy - Beallsville Tributaries, draining to Little Monocacy River, flowing into Potomac River Direct watershed, and eventually into the Potomac River. Little Monocacy watershed is a State Use Class I-P stream. The site is not within a Special Protection Area (SPA).

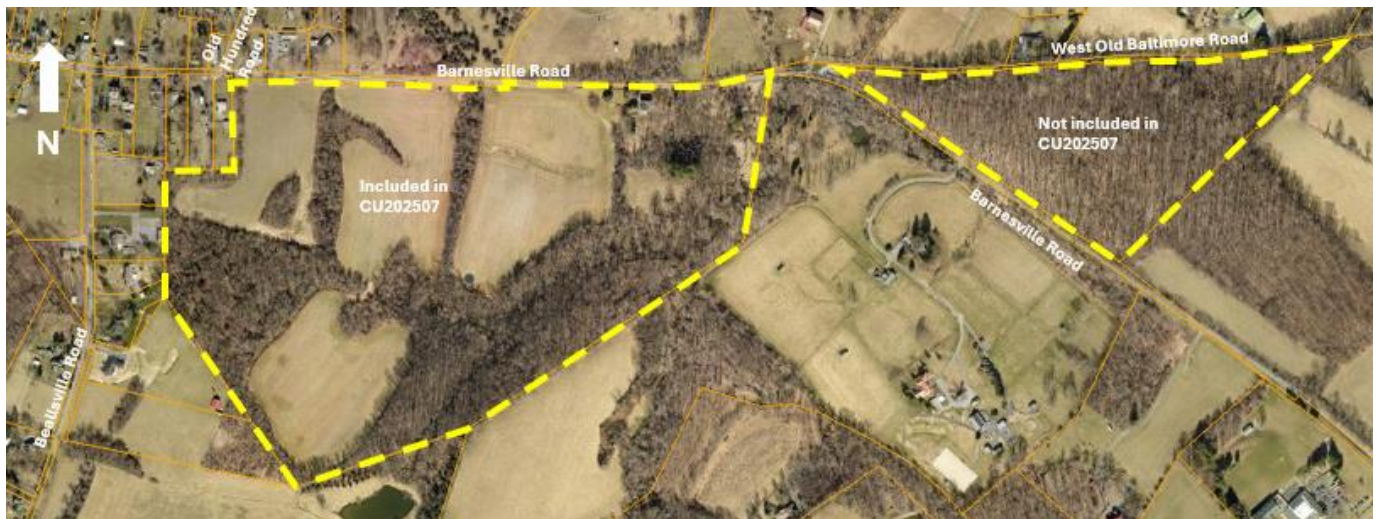


Figure 2 – Overall Subject Property

SECTION 3: PROJECT DESCRIPTION

PROPOSAL

The Applicant proposes to construct and operate a 2MW or less Solar Collection System on 11.23 acres of the 109.52-acre parcel. The Conditional Use area is outlined in the green dotted line in Figure 3 below. The proposed development will have the following features:

- A new entrance and driveway on Barnesville Road at the northeast corner of the Conditional Use area as shown in Figure 4. The facility will be an unmanned Solar Collection System with occasional visits for maintenance purposes.
- The proposed electrical interconnection will be located near the proposed entrance to the site (Figure 5).
- The solar arrays will be approximately seven feet in height (Figure 6) and will be surrounded by an eight feet high chain link fence.
- The Applicant proposes to use a pollinator seed mix in and around the solar array to enhance local pollination. The remaining fields will continue to be farmed.
- A fire access turnaround and a 30,000-gallon cistern for fire protection will be constructed (Figure 4).

The Applicant is not proposing signage or lighting with this Application. The Solar Collection System will be surrounded on the east, west, and south sides with existing trees and forested areas. The Applicant is proposing landscaping screening along the frontage between the solar arrays and Barnesville Road to help screen the facility from the road.



Figure 3 – Property with Conditional Use Area

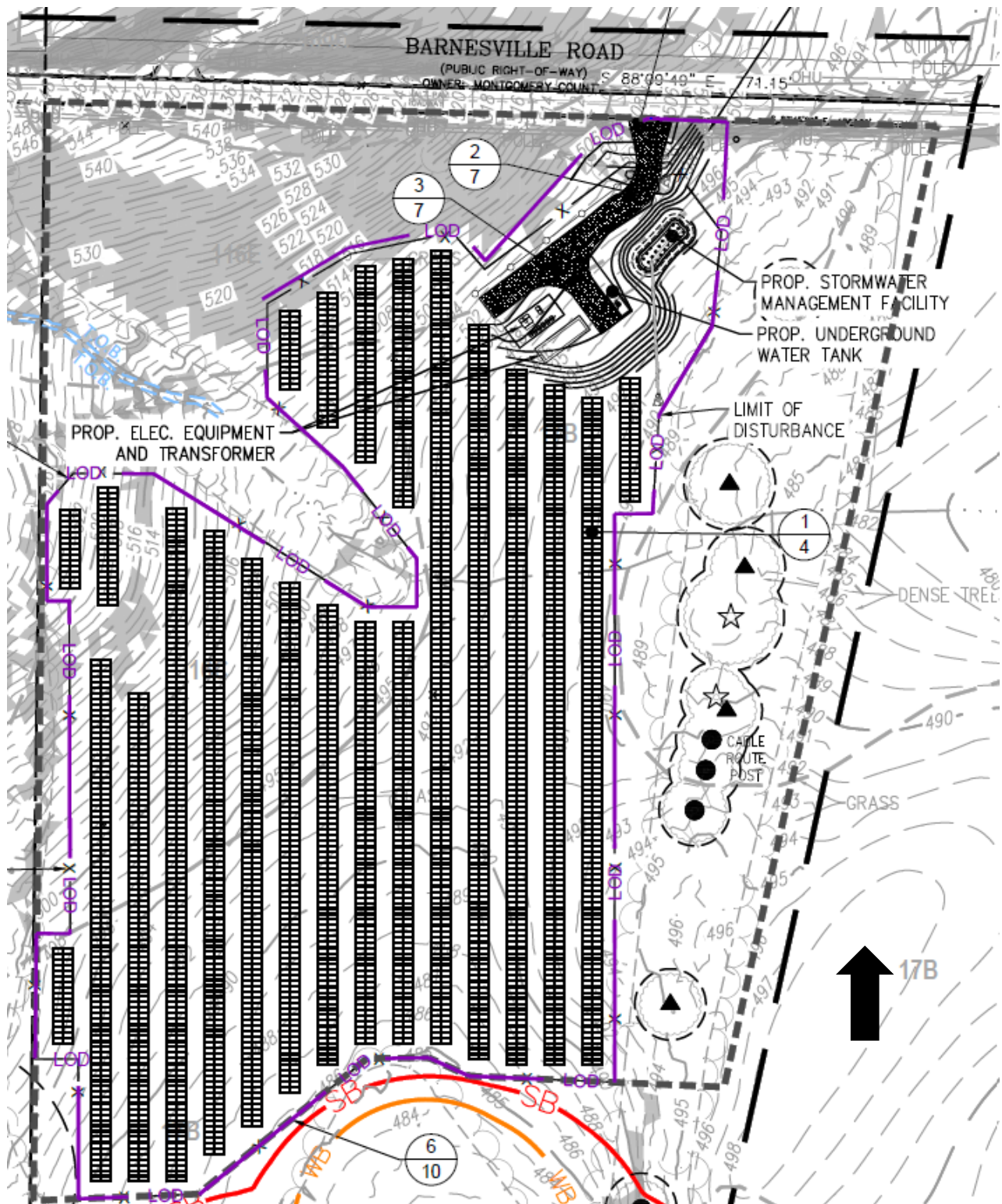


Figure 4 – Conditional Use Site Plan

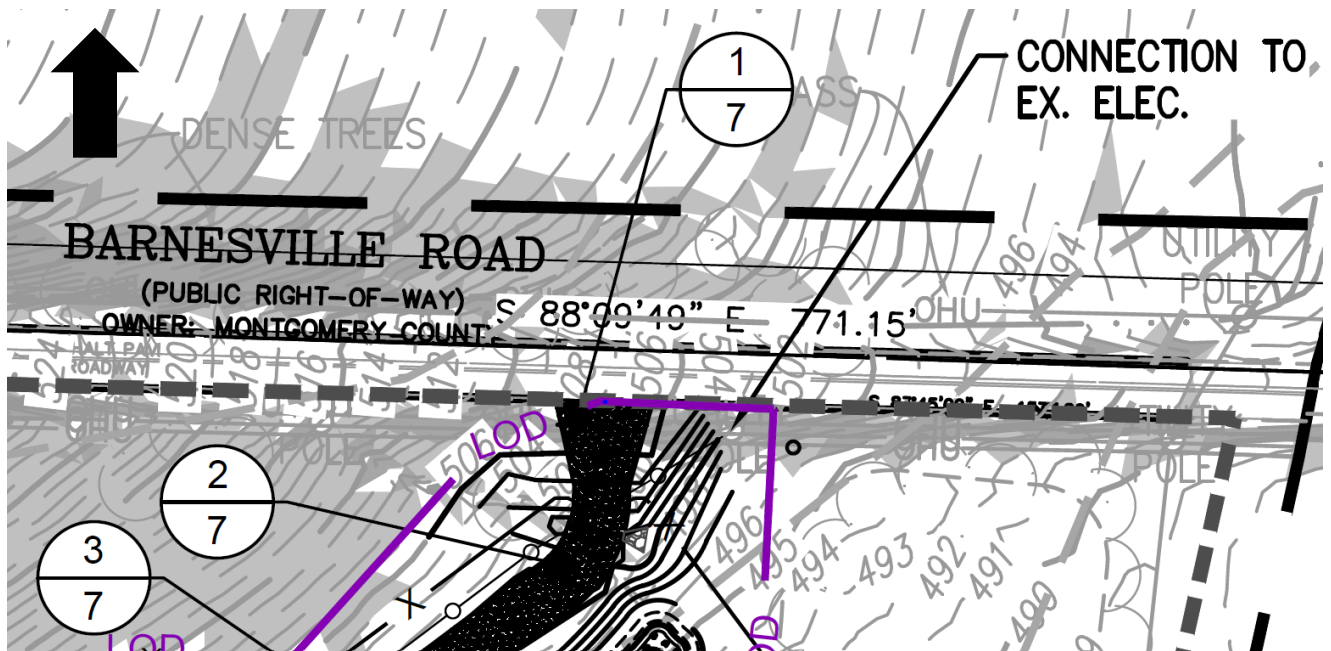


Figure 5 – Point of Interconnection

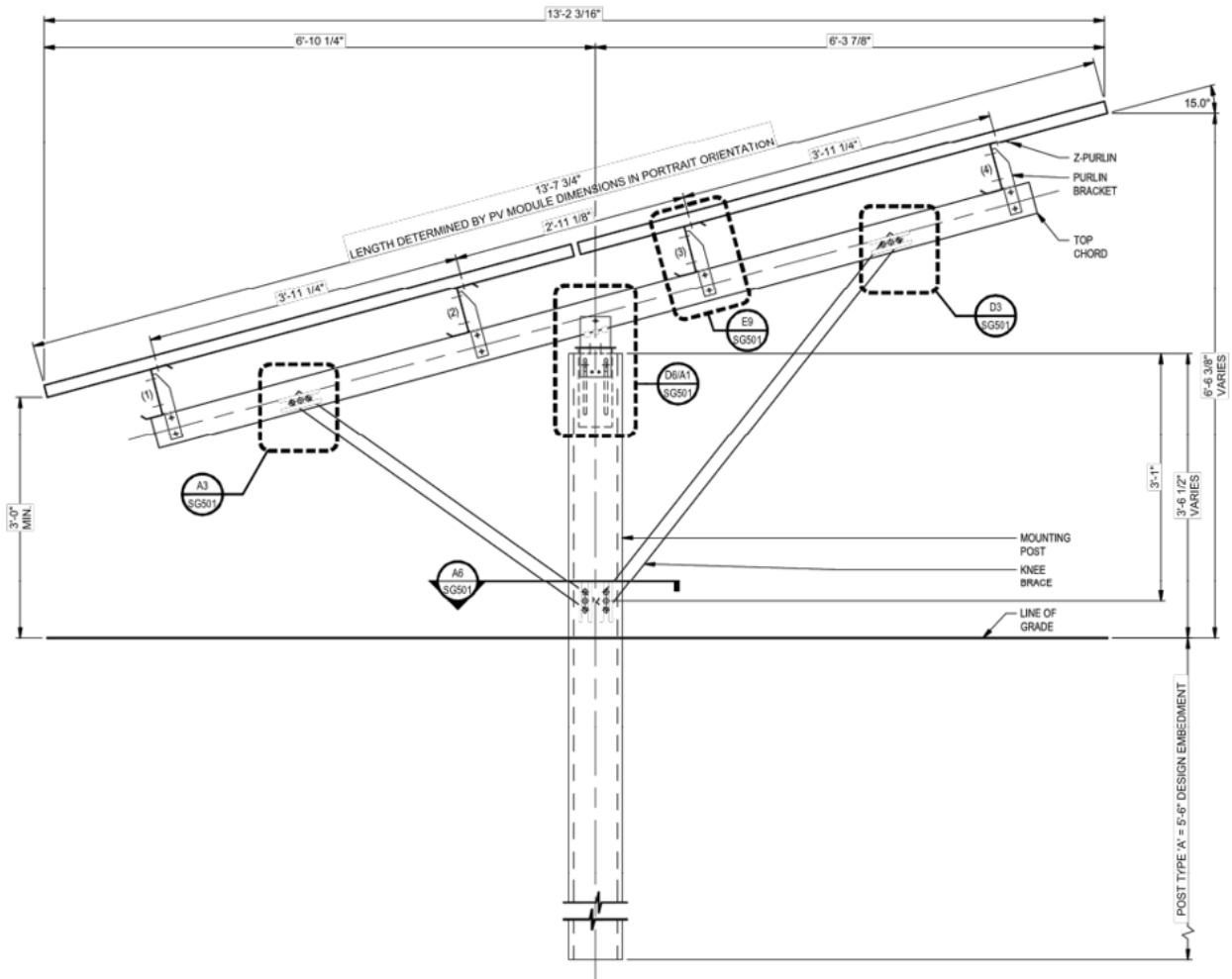


Figure 6 – Solar Array Elevation

ENVIRONMENT

The Application is subject to the Montgomery County Forest Conservation Law (Chapter 22A of the County Code) under Section 22A-4(b), a person required by law to obtain approval of a special exception or a conditional use, or a sediment control permit on a tract of land 40,000 square feet or larger, and who is not otherwise required to obtain an approval under subsection (a).

The Application will have no impact on any environmentally sensitive areas or specimen trees.

SECTION 4: COMMUNITY CORRESPONDENCE

The Applicant posted the Office of Zoning and Administrative Hearing's (OZAH) signage along the Property frontage, along with M-NCPPC FCP signage, as required. As of the date of this Staff Report, Staff has not received any correspondence from the public.

SECTION 5: FINDINGS

CONDITIONAL USE NO. CU202507

- 1. Per Section 59.3.7.2.B.2, a Solar Collection System may be allowed as a Conditional Use in the AR zone if it exceeds a facility rated at more than 200% of on-site energy use and is less than 2 megawatts (AC). Where a Solar Collection System is allowed as a conditional use in the AR zone, it may be permitted by the Hearing Examiner under Section 7.3.1. Conditional Use and the following standards:**

- a. The Solar Collection System is prohibited:**

- i. on soils classified by the United States Department of Agriculture as either Soil Classification Category I or Category II;**

The proposed Solar Collection System is located entirely on Class III and Class VII soils, as defined by the USDA.

- ii. in a stream buffer;**

The proposed Solar Collection System will not be located in a stream buffer.

- iii. on wetlands; or**

The proposed Solar Collection System will not be located in any wetlands.

- iv. on slopes equal to or greater than 15%.**

The Applicant is not proposing to locate the Solar Collection System on slopes greater than 15%.

- b. Scraping topsoil from the site is prohibited.**

The Applicant is not proposing to scrape or remove topsoil with this Application.

- c. Grading and any soil removal are minimized.**

The Installation of the solar supports, panels, fencing, and electrical equipment can proceed on the naturally existing soils and topography of the site. Grading and soil removal will be minimized to the greatest extent possible.

- d. The solar collection system is compliant with the requirements of the State's net metering program under Maryland Code §7-306, COMAR 20.50.10, and COMAR 20.62.**

As conditioned, the Project complies with the State's net metering program requirements and all applicable codes and regulations. The Applicant must demonstrate in writing compliance with Maryland Code §7-306, COMAR 20.50.10, and COMAR 20.62.

e. The area under the solar facility must be actively used for farming or agricultural purposes by satisfying one or more of the following requirements:

(i) designated pollinator-friendly under the Maryland Pollinator-Friendly Designation Program;

(ii) planted, managed, maintained, and used for grazing farm animals; or

(iii) planted, managed, maintained, and used for any other agrivoltaic plant material.

The area under the solar array facility will be actively used for farming or agricultural purposes as required. Planting notes have been included on the Landscape Notes & Details plan sheets, providing detailed specifications for pollinator seeding. The remaining property outside of the Conditional Use area will continue to be farmed.

f. The applicant must provide evidence that the local utility company will allow the Solar Collection System to be connected to the utility grid.

The Applicant has obtained the Interconnection Preliminary Approval from Potomac Edison Company (Attachment D).

g. The applicant must provide evidence that the application was submitted to the Office of Agriculture.

The Applicant stated that the Office of Agriculture (OAG) is aware of the Application and this was subsequently confirmed. The OAG has provided a recommendation letter to Planning Staff, which is attached.

h. Removal of trees or landscaping otherwise required or attached as a condition of approval of any plan, application, or permit for the installation or operation of a Solar Collection System is prohibited.

The Applicant is not proposing to remove any trees or landscaping with this application. The Applicant will be providing additional landscaping as part of this Application.

i. Any tree in or on a floodplain, stream buffer, steep slope, critical habitat, contiguous forest, or historic site, and any champion tree or other exceptionally

large tree is left undisturbed unless a disturbance is allowed under Section 22A-12(b)(1).

The Applicant will not be disturbing any trees located in or on a floodplain, stream buffer, steep slopes, critical habitat, contiguous forest, or historic site or any champion trees or other exceptionally large trees.

j. Except for pad areas for transformers and electrical equipment, the use of concrete is prohibited.

The Applicant is not proposing the use of concrete in this Application, except in pad areas.

k. Screening that satisfies Section 59.6.5.3.C.8 (Option A) on the sides of the facility within 200 feet of any neighboring house is required; however, a fence may not be required or prohibited.

The screening required in Section 59.6.5.3.C.8 is not applicable in this case, as the Project site is not located within 200 feet of any neighboring house. The Project proposes to provide a landscape screen consisting of a mix of plantings and shrubs along the adjacent roadway frontage on the north side of the array field that is intended to further mitigate any perceived visual impacts of the Project (Figure 7).

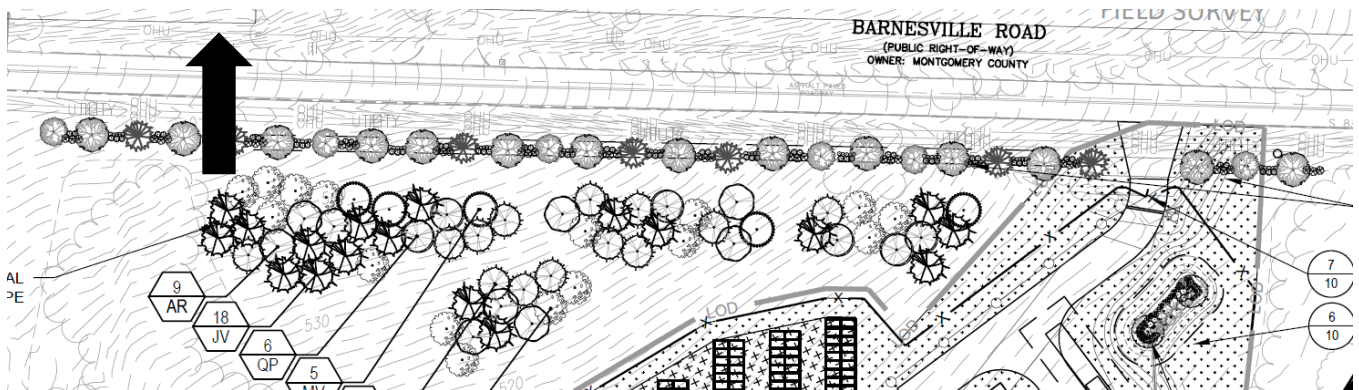


Figure 7- Landscape Plan

l. The Hearing Examiner's decision must consider the recommendations of the Office of Agriculture.

The Office of Agriculture issued a letter to Planning Staff recommending approval of the Application (Attachment C).

m. The applicant must include a calculation of the total acreage used for the Solar Collection System, including any required setbacks and all acreage within the fenced or shrubbed area.

The total area of the property is 109.52 acres. However, the proposed Conditional Use will utilize 11.23 acres of the property.

n. The land area approved for the Conditional Use, in addition to all other Conditional Use approvals for solar facilities in the AR zone, will not exceed 1,800 acres of land.

There are two previously approved Conditional Uses for Solar Collection Systems, making this Application the third project. Cumulatively, the three projects total 31.6 acres of Conditional Use area and 19.95 acres of fenced in solar arrays, well under the 1,800 acres of land.

2. Per Section 59.7.3.1.E., to approve a conditional use application, the Hearing Examiner must find that the proposed development:

a) satisfies any applicable previous approval on the subject site or, if not, that the previous approval must be amended.

The Site does not have any previous approvals.

b) satisfies the requirements of the zone, use standards under Article 59-3, and to the extent the Hearing Examiner finds necessary to ensure compatibility, meets applicable general requirements under Article 59-6;

i. Use Standards for Solar Collection System- Section 59.3.7.2.

A Solar Collection System is allowed as a conditional use in the AR Zone. Article 59-3 does not include any specific use standards. As detailed above, the proposed Solar Collection System satisfies the requirements and use standards in Section 59.3.7.2.B.2.

ii. Development Standards

The Subject Property is in the AR zone, which allows a Solar Collection System as a Conditional Use. The Project complies with all development standards of the AR zone, as shown on the Development Standards Table below.

Table 1: Development and Parking Standards Agriculture Reserve (AR)

Development Standard Section 59.4.2.1.F	Permitted/ Required	Proposed
Minimum Lot Area	40,000 sq. ft.	109.52 acres
Minimum Lot Width at Front Building Line	125 ft.	>700 ft.
Minimum Lot Width at Front Lot Line	25 ft.	715 ft.
Maximum Density	1 dwelling/25 acres	N/A
Maximum Lot Coverage	10%	<1%
Minimum Front Setback	50 ft.	>50
Minimum Side Setback	20 ft.	Left- 450 ft./Right- 1,440 ft.
Minimum Sum of Side Setbacks	40 ft.	1890 ft.
Minimum Rear Setback	35 ft.	900 ft.
Maximum Height	50 ft.	N/A
Vehicle Parking Requirement (Section 59.6.2.4.B)	N/A	N/A

iii. **General Requirements of 59-6 –**

(1) Access- 59-6.1

The Applicant will construct a new entrance on Barnesville Road approximately 200 feet west of the intersection with Conoy Road. The proposed driveway will consist of asphalt pavement (20 feet wide) and will include a fire department turnaround area.

(2) Parking, Queuing and Loading-59-6.2

The Proposed Solar Collection System is unmanned and will only generate one to two maintenance trips on days when such activities are scheduled. The Zoning Ordinance does not require parking for a Solar Collection System. The proposed asphalt driveway provides ample parking for when maintenance needs to be performed onsite.

(3) Open Space and Recreation-59-6.3

The Solar Collection System does not require Open Space or recreation amenities.

(4) Landscaping and Outdoor Lighting- 59-6.4

The Applicant is not proposing any lighting with the proposal. The only landscaping proposed is for screening along Barnesville Road as described in section 5 below.

(5) Screening-59-6.5

Screening in compliance with Section 59.6.5.3.C.8 is not applicable, as the Project site is not located within 200 feet of any neighboring house. However, the Project proposes to provide a landscape screen consisting of a mix of plantings and shrubs along the Barnesville Road frontage on the north side of the array field that is intended to mitigate any perceived visual impacts of the Project. A portion of the Project's Site Landscape Plan, including a planting legend, is provided below in Figure 8.

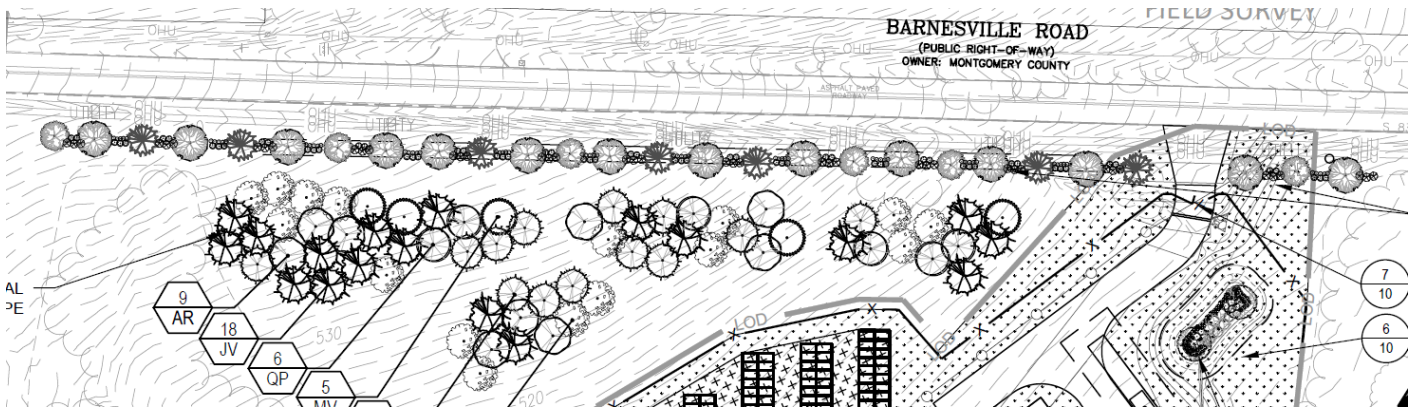


Figure 8- Proposed Screening

(6) Signage-59-6.7

The Applicant is not proposing any signage with this Application.

c) substantially conforms with the recommendations of the applicable master plan;

The Site is located within the 1980 *Preservation of Agriculture & Rural Open Space Master Plan* (AROS) area, which does not have specific recommendations for the subject property. The *AROS Master Plan* is a comprehensive approach to preserving agriculture and rural open space. The Applicant is utilizing Class III and Class VII soils for the Solar Collection System, which are not prime agricultural soils. The Applicant is proposing a pollinator

friendly seed mix under and around the solar arrays, which will encourage bees and other insects to help pollinate the surrounding fields. The Applicant will retain the remainder of the parcel for agricultural and farm production.

- d) *is harmonious with and will not alter the character of the surrounding neighborhood in a manner inconsistent with the plan;***

The proposed Solar Collection System will be surrounded on the east, south, and west sides by existing forested areas and the proposed landscape screening will be located on the north side of the Property. The solar panels will stand approximately seven feet in height and will not be seen from the road, or neighboring properties. Therefore, the solar facility will not alter the character of the surrounding neighborhood.

- e) *will not, when evaluated in conjunction with existing and approved conditional uses in any neighboring Residential Detached zone, increase the number, intensity or scope of conditional uses sufficiently to affect the area adversely or alter the predominantly residential nature of the area; a conditional use application that substantially conforms with the recommendations of a master plan does not alter the nature of an area;***

The Property and the surrounding neighborhood to the north, east, and south are all zoned AR, and the properties to the west are within the Town of Barnesville, which possesses its own zoning authority. Because the neighborhood is not in a Residential Detached Zone as classified in Chapter 59 of the Montgomery County Zoning Ordinance, this section does not apply to this proposal. However, Staff found two prior Special Exceptions (Conditional uses) in the neighborhood; one for a private educational institution and another for a group home. These two uses, along with the proposed use, will not adversely impact the agricultural and residential uses of the surrounding neighborhood.

- f) *will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities. If an approved adequate public facilities test is currently valid and the impact of the conditional use is equal to or less than what was approved, a new adequate public facilities test is not required. If an adequate public facilities test is required and:***
- i. *if a preliminary subdivision plan is not filed concurrently or required subsequently, the Hearing Examiner must find that the proposed development will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, and storm drainage, or***
 - ii. *if a preliminary subdivision plan is filed concurrently or required subsequently, the Planning Board must find that the proposed development will be served by***

adequate public services and facilities including schools, police and fire protection, water, sanitary sewer, public roads, and storm drainage, and

A Preliminary Plan of Subdivision is not required, and Staff has determined that there are adequate public services and facilities to serve the proposed use as described below.

(7) Transportation

Master-Planned Roadways and Bikeway

The Subject Property has frontage along Barnesville Road, which is classified as a Rustic Road. The master-planned right-of-way for this segment of Barnesville Road is 70 feet. The Applicant will dedicate the right-of-way along the property's frontage from Conoy Road to the western boundary, as detailed in the conditions of approval. Since this is a Rustic Road, there are no existing or planned bikeways.

Pedestrian Facilities

Since Barnesville Road is a Rustic Road, there are no existing or planned pedestrian facilities.

Transit Service

There are no transit stops along the Subject Property or within a mile of the site.

Parking and Drop-Off/Pick-Up

There is no parking requirement in the Zoning Ordinance for Solar Collection Systems. There will be no daily staff stationed at the site, and there will only be trips for occasional maintenance activities and periodic site monitoring. The proposed asphalt driveway will provide ample parking for such activities; therefore, no parking facilities are being provided as part of this proposal.

Local Area Transportation Review

The Transportation Exemption Statement (TES) submitted by Bowman on January 28, 2025, states that the Proposed Development will have no daily operational personnel on-site. Therefore, the proposed development is not expected to generate any new trips during the weekday morning or evening peak hours. Occasionally, maintenance personnel will access the site, but this will result in only

one to two trips for days when such activities are occurring. Since there will be no daily peak hour trips to the site, this proposed development is not subject to a Local Area Transportation Review (LATR) and is exempt from further transportation adequacy analysis.

(8) Schools

The proposed Solar Collection System is not a residential use and will not have any impact on the schools in the area.

(9) Other Public Facilities

The Property is located within water and sewer categories W-6 and S-6 and is serviced by an existing well and septic. Other utilities, public facilities and services, such as electric, telecommunications, police stations, firehouses and health services are currently operating within the standards set by the Growth and Infrastructure Policy (GIP) in effect at the time that the Application was submitted.

g) will not cause undue harm to the neighborhood as a result of a non-inherent adverse effect alone or the combination of an inherent and a non-inherent adverse effect in any of the following categories:

- i. the use, peaceful enjoyment, economic value or development potential of abutting and confronting properties or the general neighborhood;***
- ii. traffic, noise, odors, dust, illumination, or a lack of parking; or***
- iii. the health, safety, or welfare of neighboring residents, residents, visitors, or employees.***

This finding requires consideration of both the inherent and non-inherent adverse effects of the proposed use on nearby properties and the general neighborhood. Section 1.4.2 of the Zoning Ordinance defines inherent adverse effects as “adverse effects created by physical or operational characteristics of a conditional use necessarily associated with a particular use, regardless of its physical size or scale of operations.” Inherent adverse effects, alone, are not a sufficient basis for the denial of a conditional use.

Non-inherent adverse effects are defined as “adverse effects created by physical or operational characteristics of a conditional use not necessarily associated with the particular use or created by an unusual characteristic of the site.” Non-inherent

adverse effects are a sufficient basis to deny a conditional use, alone or in combination with inherent effects, if the adverse effect causes “undue” harm to the surrounding neighborhood. When analyzing whether impacts are inherent or non-inherent, Staff examine the size, scale, scope, light, noise, traffic and environmental effects of the proposed use.

Staff identified the following physical and operational characteristics necessarily associated with (i.e., inherent to) a Solar Collection System:

- Solar panels
- Maintenance trips

The proposed Solar Collection System will be surrounded on the east, south, and west sides by existing forested areas and the proposed landscape screening will be located on the north side of the property. The solar panels will stand approximately seven feet in height and therefore will be screened from the road and neighboring properties. Therefore, the Project will not alter the character of the surrounding neighborhood. Maintenance trips will typically occur one to two times a month at most.

The proposed use will not cause undue harm to the neighborhood solely due to non-inherent adverse effects, or the combination of inherent and non-inherent adverse effects.

3. *Any structure to be constructed, reconstructed, or altered under a conditional use in a Residential Detached zone must be compatible with the character of the residential neighborhood.*

This finding does not apply because the site is located in the AR zone. The Solar Collection System will be surrounded on three sides with existing trees and forested areas and the north side, along Barnesville Road, will have new landscape screening installed as part of this Application. The screening will create a buffer between the road and the solar arrays thereby shielding the solar arrays from Barnesville Road.

4. *The fact that a proposed use satisfies all specific requirements to approve a conditional use does not create a presumption that the use is compatible with nearby properties and is not sufficient to require conditional use approval.*

The Project not only satisfies all specific requirements of the proposed conditional use but is also compatible with the character of the surrounding neighborhood because any visual, traffic or noise impacts will be minimal. The Project site will be naturally screened from view along most of the roadway frontage by dense existing landscaping, which will be supplemented by additional plantings proposed on the Landscape Plan. Views of the Project will be mitigated by distance, natural existing trees, topography of the Property and the

Applicant's voluntary addition of further new vegetative screening. The Project will not add any discernible noise to the natural background levels at the Property boundary.

- 5. *In evaluating the compatibility of an agricultural conditional use with surrounding Agricultural or Rural Residential zoned land, the Hearing Examiner must consider that the impact does not necessarily need to be controlled as stringently as if it were abutting a Residential zone.***

The Solar Collection System is not an agricultural Conditional Use; therefore, this finding does not apply to this Application.

- 6. *The following conditional uses may only be approved when the Hearing Examiner finds from a preponderance of the evidence of record that a need exists for the proposed use to serve the population in the general neighborhood, considering the present availability of identical or similar uses to that neighborhood:***

- a) *Filling Station;***
- b) *Light Vehicle Sales and Rental (Outdoor);***
- c) *Swimming Pool (Community); and***
- d) *the following Recreation and Entertainment Facility use: swimming pool, commercial.***

This Section is not applicable to this Application because none of the above uses are proposed with the Subject Application.

- 7. *The following conditional uses may only be approved when the Hearing Examiner finds from a preponderance of the evidence of record that a need exists for the proposed use due to an insufficient number of similar uses presently serving existing population concentrations in the County, and the uses at the location proposed will not result in a multiplicity or saturation of similar uses in the same general neighborhood:***

- a) *Funeral Home; Undertaker;***
- b) *Hotel, Motel;***
- c) *Shooting Range (Outdoor);***
- d) *Drive-Thru***
- e) *Landfill, Incinerator, or Transfer Station; and***
- f) *a Public Use Helipad, Heliport or a Public Use Helistop.***

This Section is not applicable to this Application.

SECTION 6: FOREST CONSERVATION PLAN NO. F20250530 FINDINGS AND ANALYSIS

All Forest Conservation Law, Chapter 22A requirements are satisfied.

ENVIRONMENTAL GUIDELINES

A Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) # 420242090 was approved for the Property on September 13, 2024. The Property is located within the Little Monocacy watershed, which the State of Maryland classifies as Use I-P watershed. It contains steep slopes, streams, wetlands, floodplains, and environmental buffers. There are large specimen trees distributed mainly along the waterways and the eastern side of the overall Property. The Property is not within a Special Protection Area (SPA).

FINAL FOREST CONSERVATION PLAN

The Application meets the requirements of Chapter 22A of the Montgomery County Forest Conservation Law.

A Final Forest Conservation Plan has been submitted for review.

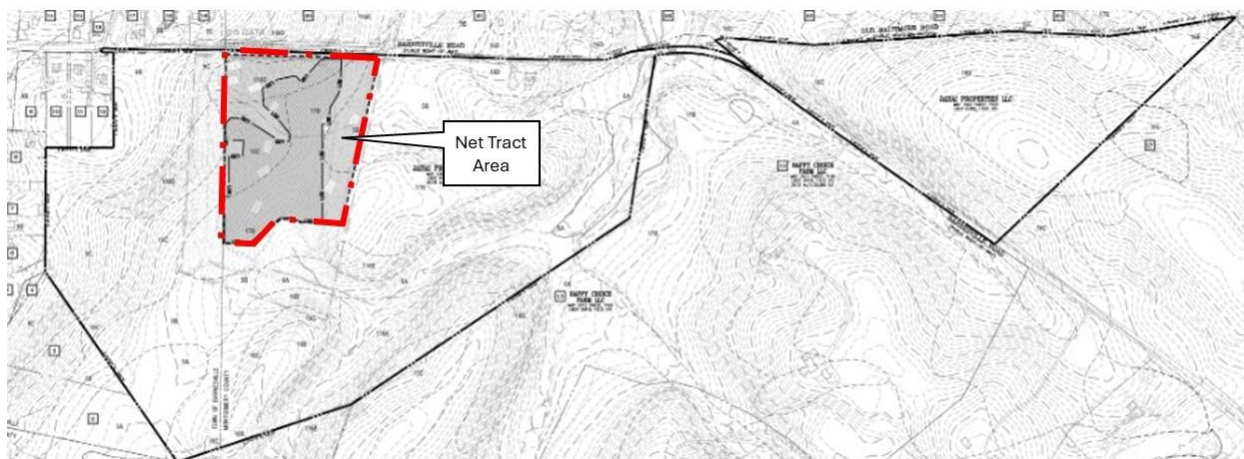
The net tract area for the project is equal to the Property size of 109.51 acres minus the amount of land to remain in commercial agricultural production, 98.28 acres, for a net tract area of 11.23 acres subject to Chapter 22A. There are 2.25 acres of forest within the 11.23-acre net tract area (Figure 9).

The Project proposes to retain all existing forest within the net tract area. Based on the land use category, Agricultural Resource Area (ARA), and the forest conservation worksheet's afforestation and reforestation thresholds (20% and 55% respectively), the application does not generate a planting requirement. Are the SVB completely forested?

The 2.25 acres of forest within the net tract area will be placed into a Category I conservation easement.

No tree variance is required for this application.

The Final Forest Conservation Plan meets all applicable requirements of Chapter 22A of the County Code (Figure 10). Therefore, Staff recommends that the Planning Board approve the Final Forest Conservation Plan with the conditions cited in this Staff Report.



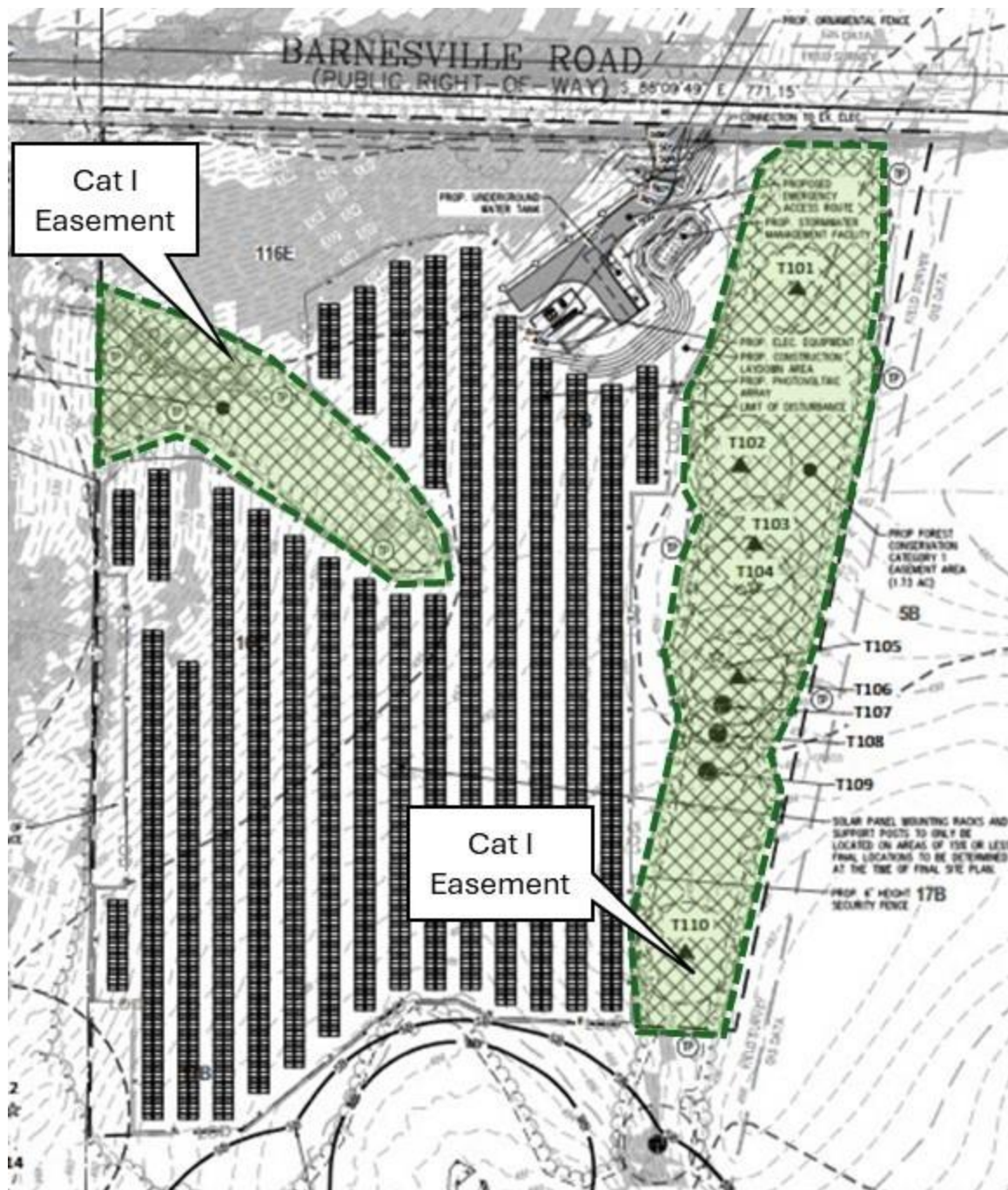


Figure 10: Proposed Category I Conservation Easements

SECTION 6: CONCLUSION

The proposed conditional use complies with the findings required for approval for a Solar Collection System 2MW or less, subject to the recommended conditions of approval. The proposed use is consistent with the goals and recommendations of the 1980 *Preservation of Agricultural and Rural Open Space*, will not alter the agricultural and low-density residential character of the surrounding neighborhood, and will not result in any unacceptable noise, traffic, or environmental impacts on surrounding properties. Staff recommends approval of the Conditional Use with conditions and the transmittal of comments to the Hearing Examiner and approval of the associated Forest Conservation Plan.

ATTACHMENTS

- Attachment A: Conditional Use Plan
- Attachment B: Forest Conservation Plan
- Attachment C: Agency Letters and Approvals
- Attachment D: Potomac Edison Interconnection Letter