

**FINDINGS AND RECOMMENDATION
OFFICE OF PLANNING AND ZONING
ANNE ARUNDEL COUNTY, MARYLAND**

APPLICANT: Baltimore Gas & Electric Co.

ASSESSMENT DISTRICT: 3

CASE NUMBER: 2025-0049-S

COUNCIL DISTRICT: 3

HEARING DATE: May 15, 2025

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Planner III



REQUEST

The applicant is requesting a special exception to allow a public utility use in a W1 - Industrial Park District and an extension for a phasing plan on property known as Solley Road (Tax Account No. 3000-9007-5351) in Glen Burnie.

LOCATION AND DESCRIPTION OF SITE

The subject site comprises three parcels in 125.29 acres of land and is located with frontage on the east side of Marley Neck Boulevard north of Marley Neck Road. The property is shown on Tax Map 10, Parcel 397 in Block 17. The site is zoned W1 - Light Industrial Park District. The property is heavily wooded with a stream in the northern corner and is currently unimproved except for transmission lines corridors crossing the property. The site is not located in the Critical Area. The property is bounded by the Creekside Village at Tanyard Cove residential development to the north and is between Solley Road to the east and Marley Neck Boulevard to the west.

PROPOSAL

The applicant is proposing to develop the property with an electrical substation, including a Static Synchronous Compensator (STATCOM).

SPECIAL EXCEPTION STANDARDS

§18-11-144 of the Anne Arundel County Zoning Ordinance sets forth the specific requirements for a public utility use special exception. Additionally, all special exceptions are subject to the general standards contained in §18-16-304 of the Zoning Ordinance.

FINDINGS

The applicant's letter explains that the application seeks approval of an electrical substation project, including a Static Synchronous Compensator ("STATCOM"), that BGE will construct in three phases on the Marley neck peninsula. The substation project is part of BGE's response to address significant changes in regional power supply caused by the forthcoming closure of the Brandon Shores and H. A. Wagner powerplants, which are also located on Marley Neck. The

project's first phase will include the Solley Road substation, which will tie directly into the adjacent 230 kV transmission lines, and the STATCOM. The second phase of the project will include the Marley Neck 115 kV substation. The Marley Neck substation will add value to the Solley Road facility by, among other benefits, protecting BGE's sub-transmission system in Anne Arundel County and adjacent areas against present and future thermal overload conditions. The project's third phase will be installation of the smaller 35 kV and 13 kV substations within the footprint of the Marley Neck substation.

Agency Comments

The **Health Department** recommends approval of the substation.

The **Development Division (Regional Team)** reviewed the project and deferred to the Zoning Division regarding the special exception and variance requirements. Comments were made regarding the development review process.

The **Long Range Planning Division** commented that the site is designated for Neighborhood Preservation on the Plan2040 Development Policy Area Map with a designation of Industrial on the Plan2040 Panned Land Use Map. The site is within the County's Priority Funding Area and is not located in the Critical Area. Surrounding Planned Land Uses are Medium Density Residential to the north and west, Commercial and Public Use to the west, and Industrial to the south and east. Plan2040 makes no specific recommendations for this property. The proposal is within Region Planning Area 3 which is underway and expected to be completed by the spring of 2025. The proposal is generally consistent with the goals, policies, and recommendations of Plan2040.

The **Department of Inspections and Permits (Engineering)** did not provide comments regarding the special exception application. At the pre-file they deferred to the Office of Planning and Zoning regarding the special exception and provided comments to be addressed later.

The **Departments of Recreation and Parks** commented that the Marley Neck Trail lies northwest from this parcel. This development shall not discharge runoff to the County's property at a rate greater than existing conditions. A portion of the site lies within the Anne Arundel County Green Infrastructure Network. The proposed development is consistent with the spirit of the Green Infrastructure Master Plan.

The **Fire Marshal** deferred to the OPZ and Inspection and Permits Engineering.

Special Exception Requirements

With regard to the specific special exception requirements for a public utility use this Office submits the following:

A public utility shall comply with all of the following requirements.

(1) The architectural scale, design, and landscaping treatment of the use shall be compatible with other development in the area and shall be fully or partially enclosed as may be necessary to provide compatibility.

The architectural scale of the proposed substation project involves a lower profile than the scale of existing electrical structures in the adjacent transmission corridor. The lower profile of the substations is generally consistent with the building heights and scale of development associated with existing and proposed R10-zoned lands to the north and west of BGE's parcel. The scale of the substations will also be far less visible than the now-closed Browning Ferris ("BFI") landfill immediately to the south of BGE's parcel. The landfill's twin mounds loom over much of central Marley Neck.

- (2) The use shall be necessary for public convenience at the designated location.

The proposed substations will provide critical electrical power infrastructure for BGE's service area, including northern and western Anne Arundel County. The location of the substations is ideal for this purpose because of the abutting transmission line corridors. BGE examined several other sites for a possible substation location, but none of the other sites compared favorably to the Solley Road property.

- (3) Utility corridors shall be used to the extent practical.

The proposed substations will be located immediately adjacent to an existing major transmission line corridor on land already owned by BGE.

- (4) The alignment shall follow the topography to minimize any effects to the terrain.

The proposed configuration of the substations and associated clearing and grading have been designed to minimize earthmoving and impacts on environmental resources, while still meeting substation engineering and safety design requirements. Steep slope areas of the property will not be disturbed and major topographic changes have been avoided. A sizable portion of the unavoidable impacts on environmental features results from adherence to County stormwater management regulations. BGE has explored, and will continue to explore, obtaining approval of alternate stormwater management design to minimize effects on the property's existing terrain. As part of its administrative site plan package, BGE is submitting preliminary grading and stormwater management plans with this special exception application.

- (5) There shall be selective vegetative clearance for the right-of-way for soil erosion control.

The substation project is not a right-of-way project, and therefore this requirement is not applicable.

Regarding the present right-of-way for the existing transmission corridors, rules promulgated by FERC require BGE to protect its transmission lines from damage and keep the transmission corridors accessible for inspection and maintenance. Thus, trees and other significant vegetation in the transmission corridors were cleared many years ago. There will be no additional vegetative clearing within the existing transmission corridors for the substation project.

- (6) Structures, such as antennas and lightning masts, may exceed the maximum height limitations of the zoning district in which the use is located if the excess height is the minimum necessary to accomplish the purpose of the structure and minimum setbacks are increased by one foot for each excess foot in height.

All substation facilitates, including the control buildings, will meet height requirements of the W1 zoning district. As may be necessary, BGE will provide increased setbacks for structures such as communications poles and lightning masts.

Concerning the general special exception standards, it is the opinion of this Office that the proposed use would not be detrimental to the public health, safety, or welfare as it will assure efficiency and reliability of the electrical grid. The use would be compatible with the W1 - Light Industrial District as the nature and height of the proposed structures will be compatible with the W1 District. The site is located within the largest of the three portions of the property and is surrounded by W1 district including transmission corridors. In this context the location is compatible. The proposed facility would be no more objectionable with regard to noise, fumes, vibration, or light than other permitted uses; and the proposed use would not conflict with existing or programmed public uses. The substation produces no fumes or vibration perceptible beyond the substation property. The facility will only be lit in emergency situations and sound levels will not exceed State standards for residential areas. The proposed use has the written recommendations and comments of the Health Department and the Office of Planning and Zoning and is consistent with the County General Development Plan. The applicant has determined that a public need exists given that the Brandon Shores and the H. A. Wagner power plants will be closing. The applicant will be required to satisfy requirements of the County Landscape Manual through the Development application process.

§ 18-16-405 (b) provides in deciding an application for a special exception use, the Administrative Hearing Officer may extend the time periods set forth in subsection (a) for the use and any variance granted in connection with it when the application includes a phasing plan or sets forth facts that demonstrate other good cause why the time periods set forth in subsection (a) reasonably cannot be met. The applicant has requested phasing with the expectation that the Solley Road substation and STATCOM by the end of 2028 and the Marley Neck 115kV by the end of 2029 will be operational. In addition, it is anticipated that the issuance of final permit approvals and construction of the Marley Neck 115 kV substation may not occur until after 18 months from approval of a special exception for the overall project. Because BGE may not be able to obtain final approvals for the Marley Neck substation phase of the project before the end of the 18-month lapse period applicable to special exceptions, as part of this special exception application BGE is asking the Administrative Hearing Officer to approve a phasing plan that will avoid the special exception lapsing for the Marley Neck substation phase of the project.

RECOMMENDATION

Based upon the standards set forth under § 18-16-304 under which a special exception may be granted the Office of Planning and Zoning recommends **approval** of a special exception to allow a public utility use in a W1 - Light Industrial Park District and approval of a phasing plan.

DISCLAIMER: This recommendation does not constitute a building permit. In order for the applicant to construct the structure(s) as proposed, the applicant shall apply for and obtain the necessary building permits, and obtain any other approvals required to perform the work described herein. This includes but is not limited to verifying the legal status of the lot, resolving adequacy of public facilities, and demonstrating compliance with environmental site design criteria.