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Montgomery County Council Votes to Advance Solar in the Agricultural Reserve With Care

On Thursday January 26th the Council discussed and voted on amendments to ZTA 20-01 –a provision to allow siting up to three square miles (1800 acres) of industrial solar arrays in the county’s Ag Reserve.

The robust discussion of the best way to balance solar generation and natural resource protection featured the value of the Ag Reserve now and in the future for regional food security. Councilmember Navarro gave voice to the role the Reserve can play in meeting the food security challenges laid bare by the pandemic – both in supply and distribution to our most vulnerable neighbors.

Councilmember Craig Rice offered his amendment to designate solar as a Conditional Use, declaring that “conditional use streamlines the process and reduces time.” He had conversed with Baltimore County staff where their conditional use process has facilitated a number of ground mounted solar projects to move forward. The Council elected to take a straw vote on conditional use with the final vote coming at next week’s council session. The conditional use amendment passed 6-3 – with Councilmembers Jawando, Rice, Navarro, Friedson, Katz and Alborno voting in favor.

Board of Appeals Hearing Examiner Lynn Hammond spoke at the hearing to clarify facts about the Conditional Use approval process. Reiterating an email that she sent to Councilmembers, she dispelled misinformation that the process was either onerous or stacked against applicants, “I keep hearing this word “subjective” – hearing examiners can’t be subjective. 99% of the conditions we impose are from the Planning staff or Council.” Councilmember Jawando, the only attorney among the Councilmembers, shared his support saying that conditional use allows the due process that the industry is seeking, with an opportunity to appeal.

Councilmember Friedson introduced his amendment to prevent solar array siting on the most productive soils actually farmed on the Ag Reserve (Class II). The original draft of the ZTA only prevented solar array siting on Class I soils, the most productive types of soils classified by USDA, but within the Ag Reserve there are practically no Class I soils actually on farmland as they are mostly stream buffers and islands in the Potomac. The vote was 5 – 4, Councilmembers Navarro, Katz, Alborno and Rice voted in favor. The bulk of current Ag Reserve farming is on class II soils. Classes I-III are considered “productive” by the USDA. 75+% of farms in the Ag Reserve are on Class II and III soils. “Soils make farming work, that is how agriculture works,” said Councilmember Friedson. “Yes this will restrict solar, but it doesn’t mean no solar,” said Councilmember Alborno. “We have to be intentional about our climate change goals. We have to balance both together,” said Councilmember Rice.

With these two compromise protections in place, the Ag Reserve is now poised to allow reasonable solar development while upholding the Ag Reserve’s purpose of protecting local agriculture. “This makes room for solar while protecting the land that sustains us. We are eager to work with Reserve producers and Montgomery County to help ramp up table crop production and regenerative agriculture practices here in

the Reserve,” said Caroline Taylor of Montgomery Countryside Alliance, who served on the work group tasked with identifying improvements to the originally proposed zoning change.

“We’re glad to see the County Council’s continued commitment to the Ag Reserve and its important role in keeping farming local and accessible in Montgomery County,” said Emily Ranson, Maryland Director of Clean Water Action. “Maryland has strong environmental laws that regulate agriculture, like pesticide restrictions and nutrient management plans; it’s important to support local farmers who meet and exceed our Bay friendly standards and who have invested for decades in the land on the Ag Reserve. We hope to see Montgomery County move forward with smart solar siting that focuses on rooftops, parking lots, and brownfields, through measures like requiring solar panels on new construction, as it works to implement solar development appropriately on the Ag Reserve.”

The coalition pushing for soil protections and solar arrays as a conditional use included farmers, environmentalists, climate activists and over 60 local and state civic groups. Together, the coalition rallied thousands of concerned residents who wrote to the Council in support of these compromise proposals that preserve agriculture as the primary zoning use of the Ag Reserve while allowing thoughtfully-planned solar development.

“The depth and diversity of our coalition working to improve this ZTA really shows how we move forward to balance a climate change response with careful consideration of our natural resources. Getting it right matters, and we thank the Council for understanding that.” Said Lauren Greenberger, President of Sugarloaf Citizen’s Association and member of the solar work group. “Building on this success, we are excited to work with the Council on other programs in the pipeline such as the Community Choice Energy (CCE) program that could bring affordable clean energy to all county residents and the 540MW solar project planned to replace the coal-fired power plant in Dickerson.”

Despite broad agreement on the need for a thoughtful approach to encouraging solar in locations where it has the fewest costs to the environment and the community, in the days leading up to the council session, supporters of the ZTA as written called the common-sense amendments a “poison pill” that would result in little to no solar being allowed in the Reserve. The majority of Councilmembers rejected this characterization. “This is not a poison pill,” said Councilmember Katz, “we want solar and we want Ag and we can have both.”

Councilmember Rice suggested that some of the funds collected from new solar activity in the County could be used to support matching marginalized farmers with land in the Ag Reserve. The Council expressed its intention to implement this program in the years ahead, a great way to increase the accessibility of land on the Ag Reserve: currently, more than 40 aspiring farmers are seeking land through Montgomery Countryside Alliance’s LandLink program (mocolandlink.org) in hopes of accessing land, but only 15 plots of land are available, so increased investment can help correct this imbalance. Councilmember Jawando offered an amendment that would set a pausing point for solar installations three years after passage to involve the county Office of Agriculture in an assessment of how the installations were impacting agriculture in the Reserve, another wise amendment which the Council passed.

The coalition wishes to thank Councilmembers Rice and Friedson for their amendments and additionally Councilmembers Jawando, Alborno, Navarro and Katz for their holistic view of the Reserve and County and thoughtful action to chart a way forward for a responsible climate response.

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