



January 26, 2021

Montgomery County Food Council Comment Letter

Solar ZTA 20-01; Solar Collection System-AR Zone Standards

The Montgomery County Food Council thanks the County Council and the stakeholders of the ZTA 20-01 Work Group for the time and thoughtfulness they have dedicated to this process. We proposed several amendments to ZTA 20-01 in our earlier letter, dated September 28, 2020, but would like to highlight now a few additional considerations prior to a vote by the full Council. Our perspective on ZTA 20-01 takes into account the entire food system, including the critical need to address climate change, to strengthen the resilience of our local food production pipeline, and perhaps most importantly, given the continued emergency situation the pandemic has exacerbated, the need to ensure that *all* County residents have equitable access to nutritious, culturally appropriate food. This ZTA has the potential to address all of these food system priorities, if effectively and carefully crafted.

We continue to support affording farms the ability to utilize solar collection systems by choice, as an accessory to farming, in order to produce a maximum of 200% of on-site energy consumption. We also support protections for Class I and II soils, as well as creating a funding mechanism to allow any potential tax revenue generated by solar developments in the Agricultural Reserve to financially support agricultural preservation and other local farming needs.

Although the Food Council does not support ZTA 20-01 as it is currently written, amendments addressing the following issues would better ensure that solar development in Montgomery County does not interfere with necessary food access and production opportunities afforded by the Agricultural Reserve, and possibly even strengthen our local food farming capacity:

- **“Conditional Use”** - Solar developments in the Agricultural Reserve should go through the “Conditional Use” application process, and be considered by the Office of Zoning and Administrative Hearing, with a representative of the Office of Agriculture reviewing the application to ensure that the project does not interfere with the intended use of the Agricultural Reserve;
- **Equity** - It is critical to ensure that farmers continue to have equitable access to land lease opportunities that support food production and expand the ability for new and historically disadvantaged farmers to establish farms in the Agricultural Reserve;



- **Table Crop Agrivoltaics Pilot Programs**- Agrivoltaic pilot programs are needed to provide farmers with an opportunity to learn more about the viability of this method of table crop production on their land, without the risk of financial losses;
- **Use of Tax Revenue to Benefit the Agriculture Reserve** - The amendment proposed by the Work Group to leverage tax revenues from solar developments to support local agriculture should be passed.

We believe that the Agricultural Reserve should remain a protected resource for our regional food system, and if the County Council elects to go forward with this ZTA, recommend that the proposed amendment for a “conditional use” approval process for all solar projects be adopted. This process is being used successfully in Howard¹ and Baltimore Counties for new solar projects, and appears to be the best way to balance the need to preserve land for agriculture, while still allowing new solar developments to be established.

The solar projects allowed by ZTA 20-01 would be for commercial purposes. Currently, all public utility structures, cell phone towers, and similar projects in the Agricultural Reserve must be reviewed through the “conditional use” process, and the County should treat these solar developments no differently. Project reviews will also allow for necessary adjustments to protect land-leasing farmers, aid in the development and improvement of this new venture for the County, and ensure that the Agricultural Reserve continues to be protected and dedicated to farmland as intended.

It is also critical that the “conditional use” project approval process include the Office of Agriculture, in order to establish guidelines for the review and approval of the proposed solar development projects with consideration for land preservation.

In addition, we are concerned that this ZTA, as currently written, could prevent new farmers from accessing land and endanger the viability of existing farms that rely on land leases. While not a perfect system, land leasing, through options such as the [Land Link program](#), offers a lower barrier to entry for farmers, particularly historically disadvantaged farmers, in Montgomery County where land is prohibitively expensive to purchase.² Currently, landowners in the Agricultural Reserve are leasing to farmers at an estimated rate of \$120 per acre per year. In contrast, solar developers are willing to pay at least \$1,700 per acre per year. Farmers simply cannot compete with these prices.

As we encourage our County’s food producing farmers to contribute greater quantities of produce to the local food supply and food assistance provider network, we should also ensure that farms continue to have equitable, affordable access to the land that they need to grow this food. The County’s Racial Equity and Social Justice Act requires that the Director of the Office of Legislative Oversight review each proposed bill with a racial equity and social justice lens, and we suggest that the same scrutiny could be

¹ County Council of Howard County, Maryland, Bill 39-2012

² <http://www.mocoalliance.org/news/land-link-profiles-of-two-matches>



applied to this ZTA.³ Through this legislation, the County can support farmers that identify as Black, Indigenous, and People of Color (BIPOC), by ensuring that land lease and land ownership amongst farmers is encouraged and protected.

We respectfully recommend that the Council also support additional research into the viability of agrivoltaic arrays to grow table crops. We applaud the proposed amendment to conduct a pilot project, but any pilots should focus on table crop production to support the expressed need for fresh fruits and vegetables amongst food assistance providers and residents alike. There have been pilots around the country addressing grazing and pollinator habitats, and though these land use options could benefit the environmental health of our community, they do not support a robust local food supply.

Meanwhile, there is significant uncertainty regarding the likelihood of successful table crop farming beneath solar panels. Agrivoltaic farming requires intensive training and advanced technology and is often associated with lower productivity in table crop farming. This ZTA does not currently address how farmers and landowners would be supported in any efforts to experiment with agrivoltaics, such as additional training, equipment, and, potentially, additional labor. It is neither fair nor pragmatic to either the farmers or our food system to rely on relatively untested food production methods.

The proposed amendment for Section 7.3.4.E.5.d that requires the area under the solar facility to be used for farming or agricultural purposes could potentially be adapted to incentivize or give preference to table crop farming where possible.

The existing [Matching Grant Cost Share Assistance Program](#), which is managed by the Office of Agriculture, provides funding to support “agricultural business projects that improve, expand and increase the profitability of the agricultural enterprise.” Leveraging this program, in conjunction with financial commitments from the solar industry, to support agrivoltaic pilot projects with table crop farmers would enable farmer access to the funds, technology, and training necessary to attempt effective and productive farming in this way. The County Government, through the Office of Agriculture and in partnership with the Montgomery County Revenue Authority, is currently exploring a pilot project to use agrivoltaics for the cultivation of grapes; similar projects should be tested before establishing a reliance on these methods.

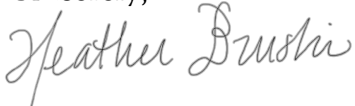
Should the County Council vote to pass ZTA 20-01, we support the unanimous amendment proposed by the Stakeholder Work Group regarding use of tax revenue to support agricultural preservation and producers. This support could fund additional staff capacity at the Office of Agriculture, as well as the financial and technical needs of farmers to incorporate agrivoltaics, incentivize and support sustainable agricultural processes, and help new and under-resourced farmers with land access, start-up and capacity building costs. There is an opportunity for this ZTA to be a revenue generating mechanism for food producing farmers, and boost our local economy.

³ <https://www.montgomerycountymd.gov/COUNCIL/Resources/Files/RacialEquity/Bill27-19.pdf>



It is our sincere hope that the County Council will proceed with reasonable compromises to address these concerns and allow for the important community benefits of solar energy to be accessible in Montgomery County, while maintaining equitable opportunities for agricultural producers and enhanced local food access among all County residents. Thank you for your consideration of our comments and of a diversity of other community perspectives throughout this process.

Sincerely,



Heather Bruskin, Executive Director

The Montgomery County Food Council (MCFC) is an independent council formed and led by individual community members and representatives of local businesses, government, non-profit organizations, and educational institutions that broadly represent the food system both substantively and geographically. Our mission is to bring together a diverse representation of stakeholders to cultivate a vibrant food system in Montgomery County that consciously produces, distributes, and recycles food, making it accessible to all residents while promoting the health of the local food economy, its consumers, and the environment.

