

From MCA Advisory Chair Royce Hanson

There seems to be confusion about what is intended versus what is done. First of all, ZTA 20-01 does not limit the Solar Energy Collection Systems (SECS) to Community Solar Energy Generating Systems (CSEGS), as suggested in the planning staff report and some of the ZTA's promotional material. It does limit a SEGS to 2mw, which is the limit for a CSGES ((MD Pub Util Code § 7-306.2(a)(3)), essentially because systems of 2mw or less do not require a certificate of public convenience and necessity and can be regulated by local government—BUT they still have to have a waiver from the PSC.

While generally not fond of slippery slope arguments, it does seem applicable here, as what the staff and, by implication, the sponsors, seem to assert, is that, “hey, it's only a little bit of the Reserve, so what's the big deal.” It's a big deal in these respects:

First, the Reserve is not a vacant place to put inconvenient infrastructure. Given the many miles of high voltage transmission line corridors in the county, including much of it in the Reserve, there is ample land for utilities to install solar panels without converting farmland to that use. It would involve no acquisition or rent costs and, thus, keep consumer costs for community power low. It would not be necessary to limit scale to 2mw. There is also a lot of corridor land downcounty and mid-county, close to users. Already part of the industrial footprint - There are no trees to cut and it is not preserved for farming.

Second, by making SEGS a limited use in the AR Zone, it actually reduces public input below what required before the PSC issues a certificate of Public Convenience and Necessity for a >2mw facility. It must take into account the master plan and consideration views from county officials and the public.

Third, the ZTA implies to utilities and the PSC, that Montgomery County is not concerned about the impact of solar arrays in the Reserve so long as they do not cumulatively take more than 1,800 acres. And goes further by offering language (g) that tacitly approves industrial scale facilities as a result of the court decision giving the PSC authority to approve applications. The PSC has indicated that it will consider the local jurisdiction's land use plans etc. when reviewing projects. Where is the County's restated commitment to the Reserve and it's purpose?

Fourth, by not even the linking the ZTA to community systems that at least are likely to have subscribers in the county (although they could be in Howard or Frederick), it would permit utilities to create a series of small solar “farms” that are connected to the grid and actually serve no county customers.

Finally, while the motives for the ZTA may be noble, it would seem prudent to think a bit more before acting; to first develop a strategy for achieving the county's commendable green energy goals in the context of a regional and state strategy. The technology and its costs are changing rapidly. Time is of the essence, but so is avoiding harm in the rush to do good.