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Testimony July 10, 2024 RE: Chaberton Solar Sugarloaf I LLC's Application for a Certificate of Public Convenience and Necessity to Construct a 4.0 MW Solar Photovoltaic Generating Facility in Montgomery County, Maryland Case: Jacket Case Number: 9726 Date Filed: 03/05/2024

Good evening, I am Caroline Taylor executive director [for Montgomery Countryside Alliance](#). Since 2001 MCA has worked to promote and protect [Montgomery County's nationally lauded Agricultural Reserve](#). We endeavor to support local farmers both existing and new, and protect critical natural resources including forests, streams and our federally designated [Sole Source Aquifer](#). Our [Land Link](#) program has advanced connections for existing, new and diverse farmers on over 500 acres to help address a major challenge: access to affordable productive farmland. This is a tough barrier to beat even under current circumstances but will grow exponentially if we tip the balance of land uses in the Reserve toward high paying industrial uses such as solar facilities who have been promising Reserve landowners as much as \$4000 per acre per year to lease farm acreage. Land Link producers pay lease amounts around \$120/per acre per year. Roughly 60% of farms lease farmland in the Reserve.

We join with colleagues here testifying and those providing written comment in urging denial of the proposed generating facility that is prohibited under Montgomery County zoning regulation for 2 reasons:

- 1) The project size at 4.0 MWs violates the law that "A solar Collection system larger than 2 megawatts (AC) is prohibited in the Agricultural Reserve Zone"
- 2) Even if the project were 2 MW or less, the project violates the law that says "Solar collection System is prohibited on soils classified by USDA as either Soil classification I or II.

Chaberton's suggestion, at pages 5-6 of its application, that it "is committed to further discussions concerning the use of agrivoltaics, specifically sheep grazing, for the Project in order to maintain the agricultural use of the land" is of no consequence under the Montgomery County zoning regulations. Within the plain language of the Montgomery County zoning code, such concessions are not available to prevail over the absolute prohibitions against Solar Projects over 2 MWs or the placement of any size Solar Project on Class I or Class II soils.

I hope that you will find it useful to understand how over the course of 2 years Montgomery County crafted its zoning provision for solar facilities and increased accessory solar (from 120% to 200%) in the Agricultural Reserve. I served for MCA with other stakeholders, including agriculture, climate change advocates and



solar industry, on a County Council appointed [working group to collaboratively address the complexities of how to advance solar in the Reserve](#) while maintaining the myriad ecological and food system functions of the protected area. As part of the deliberative process, various County departments researched and prepared mapping to determine how 2 mw systems could be deployed while protecting fragile natural resources and productive farm soils, factoring in existing power infrastructure. Significant compromises were made in the process, most notably giving up agriculture's request to protect both class II and III soils, allowing that projects could be advanced on type III and lessor soils. [Most of the crop production in the county is on class II and III soils](#). Class I soils are primarily alluvial and not suitable for agriculture. Prior to the passage of zoning text amendment 20-01, MCA and Montgomery County Greenbank [advanced webinars and public educational outreach](#) to help residents and businesses pursue community solar/accessory solar projects. Efforts to craft the zoning provision for solar facilities in the Reserve, just as [public utilities use provision](#) in the Reserve, were addressed through maintaining the same construct of conditions and process for approval. As [required by State law](#), major land use changes such as zoning text amendments must maintain substantial conformance with existing comprehensive and master plans. The resulting Montgomery County solar facilities [zoning text amendment 21-01](#) is aimed to account for all of these requirements as well as important County short- and long-term goals, including and especially climate change mitigation and adaptation. We respectfully request that the Public Service Commission abide by Montgomery County's determination, consistent with the Commission's obligation to give such determinations "due consideration."