



THE OFFICE OF AGRICULTURE

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County Executive

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Director

October 2020-Solar ZTA 20-01 – Agricultural Community Concerns/Suggestions/Amendments as recommended by the Office of Agriculture-OAG

- We continue to recommend the exclusion of Soil Capability Class I, II, III from siting solar fields.
- Excluding Class I, II, III soils is recommended by the Maryland Farm Bureau for prohibiting solar fields.
- We need to protect prime soils including Class II land capability classification because these Class II soils have very few limitations for producing local food. We could also limit solar fields on a certain ____ % percentage of a properties Class I and II prime soils. *Example-Construction activities are limited within the Critical Root Zone-CRZ of trees and construction projects cannot be located in more than 20% of the CRZ.*
- The OAG recommends the placement of solar fields on prime and productive soils needs to be offset or mitigated through climate change goals requiring the solar company to plant ____ acres in forests.

Soil Class	Total Acres	Prime Acres	% Prime
I	2,464	2,464	100%
II	48,391	30,479	63%
III	33,154	-	0%
IV+	19,669	-	0%
Water	2,861	-	0%
Totals	106,539	32,943	

- The OAG believes that 1,800 acres is too high for an unproven solar industry in Montgomery County.
- The OAG recommends the 1,800 acres of proposed solar fields should be phased in over time. This could include 3-600-acre phases where each phase would be between three to five years and/or as long as it takes to achieve a total of 600 acres in solar fields. OAG recommends that after each phase is achieved, we should review the impacts and lessons

learned and determine if additional conditions for siting solar fields in the Agricultural Reserve are needed.

- The OAG recommends the County require a certain minimum number of solar fields _____ % MW and/or _____ % Acres outside the AR before building solar fields in the AR. This requirement will be evaluated as part of the phasing of solar fields and used as a measure for going to the next phase.
- Baltimore County is ahead of Montgomery County in building 2MW solar sites. They advise doing the following: limit the total number of solar fields by Council Districts that encompass the Agricultural Reserve-(Baltimore County limits the number of solar fields per Council District), requiring bonding from the solar company or landowner to require the site to be cleaned up after the panels are no longer used. They also believe the concept of agrivoltaic farming will be limited due to insurance companies not wanting animals/people/farm equipment near the panels and inside the required fencing.
- County farmers are embracing solar installations (mounted on the ground and on rooftops). We recommend that solar fields should only be allowed in the Ag Reserve as an accessory use to farming.
- We support the Solar ZTA increasing the level of accessory solar from 120 % to 200 % of on-site energy consumption. Increasing the level of accessory solar will help farmers to generate additional electricity for farming operations. Furthermore, the OAG believes that if solar energy will help us to achieve climate change, we need explore these percentages of on-site energy consumption as part of the energy business plan.
- The Maryland Agricultural Land Preservation Foundation MALPF allows a solar field up to a total footprint of 5 acres or 5% of the property whatever is less, and contingent upon the solar field being approved by the local ag preservation board and then the State MALPF Board of Trustees. One 5-acre solar field = 1MW.
- The OAG believes the MALPF solar field standard represents a good way to demonstrate and achieve solar fields that are accessory to farming and support the farming operations.
- Agrivoltaic farming is a new model for Maryland and we need to learn more about the pilot projects that are out there including working with **Drew Schiavone, Ph.D.**
Energy Conservation and Technology Specialist
University of Maryland Extension (extension.umd.edu/energy)
- The OAG recommends the Solar ZTA needs to specifically reference the requirements of the Maryland Noxious Weed Control law.
- We recommend the solar companies work with the Montgomery County Revenue Authority to incorporate agrivoltaic farming with the grape vineyards that are being planted as part of the Poolesville Economic Development Project.
<https://apps.montgomerycountymd.gov/BASISCAPITAL/Common/Project.aspx?ID=P391801>

- The OAG supports the recommendations from the Montgomery County Food Council that solar fields should not dislocate any tenant farmers that are producing fruits and vegetables. The OAG believes this Solar ZTA is a property rights issue that will negatively impact all types of agriculture in Montgomery County and it needs to be implemented carefully to prevent unintended consequences.
- The OAG supports the recommendation from the League of Women Voters to further consider the well-thought out climate action plan as part of this Solar ZTA.
- We recommend a new fee mechanism be created where the solar company makes a payment that goes directly to AG Preservation. Queen Anne's County has implemented a payment in lieu of taxes that is administered by their Permitting Department and all proceeds funds their farmland preservation programs. This new fee mechanism could be based on \$ _____ per MW, or \$ _____ per acre.
- The Solar ZTA should clarify if more than one 2 MW solar field can be installed on larger farms. We understand this clarification exists in state law, but we recommend this clarification also be replicated in the Solar ZTA.
- We should encourage Solar Companies to incorporate agrivoltaic farming as part of the solar fields.
- The Solar Companies should decide if they want to install solar panels 20 feet high as currently written.
- Solar panels 20 feet high will require concrete footers for the supporting beams. Concrete footers were discouraged by PHED/T&E because it would be more difficult to return solar fields to farming.
- The OAG believes solar panels 20 feet high will promote greater opportunities for agrivoltaic farming.