

## AGRICULTURAL ADVISORY COMMITTEE

January 25, 2021

The Honorable Tom Hucker, President Montgomery County Council 100 Maryland Avenue Rockville, MD 20850

Dear Council President Hucker:

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

It is extremely disappointing that our farmers and our partners continue to be attacked with insults and misinformation on the Solar ZTA. Over the 40-year history of the Agricultural Reserve-AR, I cannot recall an environment like the current one (us against them) that is aimed directly at our farmers. There have been debates and disagreements surrounding the AR in the past, but the current environment appears to lack basic respect and understanding for different points of view.

Over 50 different groups and organizations have come together and agreed on a common theme and recommendation that conditional use is the correct and appropriate method for solar to be applied in the AR. We know that a solar collection system was first defined and adopted by the County in 2014 for accessory solar up to 120% of on-site electrical consumption. We further acknowledge that in 2018, site plan approved commercial solar installations up to 2 MW was adopted as part of ZTA 18-01 for all other zones in the County except the AR. We do not support Council staff's position that our recommendation for ZTA 20-01 requiring conditional use section 7.3.1 will also require site plan approval section 7.3.4.

## Section 7.3.1. Conditional Use

- A. Applicability and Description
- 1. Use of any property for a conditional use under Article <u>59-3</u> requires approval of a conditional use application.
- 2. A conditional use application may include all or part of a property.
- 3. A conditional use application must satisfy the conditions and binding elements of, and be consistent with, any effective previous approvals on the subject property.
- 4. An area covered by a conditional use approval requires a site plan only if:
- a. the area is included in a sketch plan; or
- b. the use standards in Article 59-3 require it.



There exists precedent in the Zoning Code where we require different standards and conditions depending on which zone is under review. We recommend that site plan section 7.3.4 continue to be required for commercial solar in all other zones and that we create a different standard for ZTA 20-01 requiring conditional use section 7.3.1 for commercial solar in the AR.

The proponents of the Solar ZTA believe conditional use will effectively ban community solar and represents a "poison pill" that would lead to endless and often random court challenges that have nothing to do with climate change and equity. Both Howard and Baltimore Counties require conditional use approval for commercial solar and there are several solar projects pending. I am personally aware of one solar project in Howard County (Ricky Bauer-sheep grazing under solar) that I can speak to. From a business perspective, the conditional use approval runs with the land and it protects the rights and land use interests of future landowners.

The proponents of the Solar ZTA believe that the Gladhill Meat Store was closed due to the requirements of conditional use (previously special exception). The Gladhill facility was a non-conforming use that preexisted the 1980 Agricultural Reserve where an Abattoir required a special exception which is now conditional use approval.

**Abattoir:** Any building, place, or establishment where livestock grown off-site are slaughtered for commercial purposes.

The decision to close the Gladhill facility was driven by the Maryland Department of Agriculture terminating their Certified USDA meat inspectors which then meant that all Maryland meat facilities would need to be inspected and approved by the Federal USDA meat inspectors which are very difficult to schedule in a timely manner. This environment continues today, and we all witnessed how meat facilities were negatively impacted during the COVID-19 Pandemic.

As our elected leaders, we hope you will make the right decision and support the position of the Agricultural Reserve stakeholders that compromised to require <u>conditional use</u> being the only legal path for siting solar in the AR and we also encourage you to exclude both class I and II soils for siting solar fields. The Agricultural Reserve stakeholders have also compromised on the use class III soils totaling 33,154 acres that can easily accommodate the 1,800 acres of solar that is proposed as part of this solar ZTA.

In 1980, a Poolesville farm owner by the name of George Kephart was serving on the Planning Board when he cast the final and deciding vote that created the AR. George demonstrated courage and responsible leadership by casting this final vote even though he was significantly criticized by the agricultural community. Today, the County Council members that do not support conditional use for commercial solar in the AR will be remembered for their lack of courage to support our farmers including a clear disregard for rules of the Master Plan and the AR zone. If this Solar ZTA 20-01 is adopted requiring limited use-site plan approval, this environment will contribute to the decline of farming in Montgomery County where farming will be replaced by commercial solar each time the cap of total acres is lifted by future councils.

On behalf of the Montgomery County Agricultural Advisory Committee-AAC, please accept this letter as our final position on ZTA 20-01 Solar Collection Systems-AR Zone Standards.

As Chairman of the AAC, I will be attending the full County Council work session on Tuesday January 26, 2021 to answer any questions the Council members have.

Sincerely,

Doug Lechhle

Doug Lechlider, Chairman Cc: Marc Elrich, County Executive