

Solar Projects in the Agricultural Reserve (AR) Zone

The Montgomery County Council adopted Zoning Text Amendment (ZTA) 20-01 on February 23, 2021. [This ZTA](#) details how accessory (200% or less of on-site energy demand) or community solar (greater than 200% of on-site energy demand but 2MW or less of energy generated) projects are governed.

Accessory Solar Projects in the AR Zone:

Accessory Solar Projects are limited uses under the Zoning Ordinance. A limited use may be approved without a hearing if it meets the specific criteria below. A limited use will need to obtain other applicable County permits (such as a building permit, if required).

B. Use Standards

1. Where a Solar Collection System is allowed as a limited use, it must satisfy the following standards:

- a. In the Agricultural Reserve zone, a Solar Collection System is allowed where the system produces up to 200% of annual baseline energy use on-site and must satisfy the following requirements:
 - i. Solar panels may encroach into a setback as allowed under Section 4.1.7.B.5.c and may exceed the maximum height as allowed under Section 4.1.7.C.3.b.
 - ii. Written authorization from the local utility company must be provided for a Solar Collection System that will be connected to the utility grid.
 - iii. Removal of trees or landscaping otherwise required or attached as a condition of approval of any plan, application, or permit for the installation or operation of a Solar Collection System is prohibited.

Community Solar Projects are allowed in the AR Zone:

Community Solar Projects are conditional uses in the AR Zone. Conditional use [applications](#) are filed with the Montgomery County Planning Department, which will determine if all materials needed for the application (listed on its [Conditional Use Checklist](#)) have been submitted. The Planning Department will then forward the application to the Office of Zoning and Administrative Hearings, who will hold a public hearing on the application. The Hearing Examiner's decision is based on the findings required by the Zoning Ordinance and may be reviewed by the Board of Appeals. The following conditions must be satisfied:

2. A Solar Collection System may be allowed as a Conditional Use in the AR zone if it exceeds a facility rated at more than 200% of on-site energy use and is less than 2 megawatts (AC). Where a Solar Collection System is allowed as a conditional use in the AR zone, it may be permitted by the Hearing Examiner under [Section 59.7.3.1.E](#) of the Zoning Ordinance and the following standards:
 - a. The Solar Collection System is prohibited:

- i. on soils classified by the United States Department of Agriculture as either Soil Classification Category I or Category II;
 - ii. in a stream buffer;
 - iii. on wetlands; or
 - iv. on slopes equal to or greater than 15%.
- b. Scraping topsoil from the site is prohibited.
- c. Grading and any soil removal are minimized.
- d. The solar collection system is compliant with the requirements of the State's net metering program under Maryland Code §7-306, COMAR 20.50.10, and COMAR 20.62.
- e. The area under the solar facility must be actively used for farming or agricultural purposes by satisfying one or more of the following requirements:
 - (i) designated pollinator-friendly under the Maryland Pollinator-Friendly Designation Program;
 - (ii) planted, managed, maintained, and used for grazing farm animals; or
 - (iii) planted, managed, maintained, and used for any other agrivoltaic plant material.
- f. The applicant must provide evidence that the local utility company will allow the Solar Collection System to be connected to the utility grid.
- g. The applicant must provide evidence that the application was submitted to the Office of Agriculture.
- h. Removal of trees or landscaping otherwise required or attached as a condition of approval of any plan, application, or permit for the installation or operation of a Solar Collection System is prohibited.
- i. Any tree in or on a floodplain, stream buffer, steep slope, critical habitat, contiguous forest, or historic site, and any champion tree or other exceptionally large tree is left undisturbed unless a disturbance is allowed under Section 22A-12(b)(1).
- j. Except for pad areas for transformers and electrical equipment, the use of concrete is prohibited.
- k. Screening that satisfies Section 59.6.5.3.C.8 (Option A) on the sides of the facility within 200 feet of any neighboring house is required; however, a fence may not be required or prohibited.
- l. The Hearing Examiner's decision must consider the recommendations of the Office of Agriculture.
- m. The applicant must include a calculation of the total acreage used for the Solar Collection System, including any required setbacks and all acreage within the fenced or shrubbed area.

n. The land area approved for the Conditional Use, in addition to all other Conditional Use approvals for solar facilities in the AR zone, will not exceed 1,800 acres of land.

If a farmer or landowner is interested in a solar project in the AR zone, please reach out to the Montgomery County Office of Agriculture (OAG). We will work with the farmer or landowner to determine if their property is a viable candidate for a community solar installation. The OAG will look at the following:

- Zoning of the property
- Size of the property
- Any easements on the property (ag preservation or otherwise)
- Historic Preservation
- Ingress/egress to proposed site (Rustic Road)
- Soils on property
- Slopes
- Aspect of the slopes
- Distance to three phase distribution lines from proposed site
- Any sensitive or regulated environmental areas on site
- Type of proposed solar – accessory or 2MW
- If a 2MW proposal, what type of agriculture would be taking place (pollinator, livestock, crop production)
- Type of site preparation needed for the type of agricultural use (minimize land disturbance)
- Regulated utilities are required to file tariffs with the Maryland Public Service Commission. Information provided in tariffs includes rates, charges, rules, and regulations of the utility.
- The electric utility companies (BG&E, PEPCO, PE) annually publish their electric usage rates amongst other rules and regulations.
- Related to solar energy and specifically the community solar pilot project, these utilities publish their amount of energy they need to build in the community solar pilot to meet their quota (as determined by the utility and the PSC).
- These tariff sheets can be found here: <https://www.psc.state.md.us/electricity/electric-utility-tariffs/>