



To

February 5, 2021

The Montgomery County Council
100 Maryland Avenue
Rockville, MD 20850

Reg: Zoning Text Amendment (ZTA) 20-01

**Request to Withdraw the Solar ZTA Bill 20-01 and
Request to adopt a Scaled-back Compromise to
Achieve Our Common Climate Goal Without Creating a De Facto Ban on
“Community Solar” Power That Includes Low- and Moderate-income Residents**

Dear Council President Hucker and Members of the Council,

Thank you for your consideration of ZTA 20-01 with a focus on solar energy policies that are vital and needed to address our County’s declared “climate emergency.” In 2017, the Council committed to reducing greenhouse gas emissions 80% by 2027. It is not clear how this goal can be accomplished when we are unable to adopt a sensible legislation without severe restrictions that weigh it down.

Because concerns that were raised on this ZTA have led to adoption of two amendments that greatly dilute the ZTA and add major restrictions that weaken the legislation, we are writing you now for two reasons:

First, we request you to withdraw from Council consideration of the Solar ZTA 20-01 bill as amended on January 26th. This bill, which has not received final passage, falls far short of reaching the compromise our groups feel is necessary to address both agricultural preservation and clean energy production for low- and moderate-income residents. In this time of climate emergency, a durable compromise is especially needed. Our fear, confirmed by events of the last few days, is that the amended solar bill of January 26th will depress solar development in Montgomery County. Indeed, it will likely harm solar deployment across much of Maryland and the region. After all the enormous time invested in this is by so many advocates, wouldn’t it be better to withdraw the bill when new alternatives can be brought to the table?

Second, we urge the council to consider an alternate solution that won’t effectively ban Community Solar production in our county -- but *would* permit a scaled-back amount of solar on MoCo agricultural land. We request that you consider an alternate proposal as a compromise solution that would be scaled back, implemented much more slowly, and subject to rigorous review. We propose that only a third of the original solar vision be approved – just 600 acres – and stretched out over four years, after which a review will be conducted as an “environmental and agricultural impact study” by the County Planning Board – with input from the Department of Agriculture and key stakeholders – to measure any and all positive and negative impacts of significance to the County.



The study would determine whether further community-based solar is working for our County economically, environmentally, agriculturally, and in terms of achieving our County's climate goals with equity for diverse communities. Subject to findings of the study, the Council could permit or restrict any further solar development by a majority vote at that time.

As you know, our groups firmly believe that limited solar generation in the Agricultural Reserve can be achieved while improving soils, benefiting farmers, increasing food production, solving climate change, and directly benefiting low- and moderate-income residents in our county. We believe the Solar ZTA bill, as passed earlier in the year by a joint committee of the Council, would have achieved that goal while restricting solar projects to "limited" use on no more than 1800 acres of land, excluding Class 1 soils.

Unfortunately, by a slight margin of 5-4, the full Council on January 26 amended the committee-passed bill to exclude Class 1 *and* Class 2 soils. This amendment alone creates a *de facto* ban on solar projects in the Reserve. This effective ban has since been essentially verified by a Montgomery County-based solar company immediately announcing that it would abandon planned Community Solar projects in the County that have become impossible as a result of the amendment. Other Community Solar companies have since informed you of the substantive shutdown effect of this amendment, especially when combined with a second amendment you passed that would subject projects to nearly endless legal challenges through "conditional use" permitting.

We appeal to you to consider these real-world consequences that have already resulted from your January 26 vote on amendments. As environmental advocates, we fear your amendments – if included in a final vote for the bill – will not only make it nearly impossible to meet our own County goal of 80% greenhouse gas reductions by 2027 but will – again – set a harmful precedent all across Maryland and the region. Our oft-repeated question has been, "*If Montgomery County can't achieve bold agreements on clean energy and climate change, who else will?*" Sadly, we believe your current position will encourage other jurisdictions to reject justice-oriented clean energy policies by referring to the Montgomery County experience.

In addition, we share quotes from leaders of other groups who reached out to share their concerns-

"Montgomery County gave up a strong leadership position by not pursuing a well thought out innovative compromise that addressed climate justice and farmer economic security. In not recognizing that the climate crisis is a threat multiplier of food security nor anticipating 21st century changes inevitably coming to farming practices, the county has simultaneously put our Agricultural community at risk and hamstrung community solar advancement. Climate action choices will only become more urgent and difficult as we put off making bold, pioneering moves like this ZTA represented. Greta Thunberg's generation is waiting." - Poolesville Green

"The original zoning amendment presented a creative middle ground where solar deployment and agricultural activities could flourish in the same space. Our renewable future requires such creative compromises on where and how solar gets deployed and we were excited for that to happen. The county still has an opportunity to demonstrate this balance and we hope they do." - Corey Ramsden, VP Go Solar



“With the restrictions passed on solar development in the Ag Reserve - and thus in the County, since we’ve placed almost all our feasible open land in the Reserve - it’s possible that there may be no ground-based Community Solar in the County besides the 4 megawatts on the Oaks landfill and one or two other projects on farmland that has somehow escaped the Reserve. If some additional projects do choose to take on the challenge of finding parcels in the Reserve that have 12 to 15 acres of land with no Class 2 soil, and then run the long and costly gauntlet of Conditional Use review, the number of such projects will be small, not a meaningful dent in our greenhouse gas emissions. In reality, it may be that no solar developers are willing to take on these costly risks. This reality means that we now need to turn elsewhere for the clean energy impact that the County itself has determined to be an absolute necessity. This will be difficult – it will be hard to quantitatively match the 300-megawatt contribution that ZTA 20-01 would have allowed. We now have about 110 megawatts. Council staff’s calculations find that requiring solar on all new single family detached homes would generate between 14.1 and 59.6 total megawatts by 2030 – only a small part of what we need.” - Al Bartlett, Sierra Club Maryland.

Please take these comments and information into serious consideration and discussion before moving forward to vote on the ZTA amended on Jan 26th. We strongly urge the Council to withdraw the amended solar ZTA 20-01 and consider our proposal for a compromise approach.

Many thanks for your consideration.

Sincerely,

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