

Comments by Councilmember Riemer regarding the latest amendments to ZTA20-01 and response from Lauren Greenberger, President Sugarloaf Citizens Association Member, and a County Council-appointed stakeholder to the Work Group charged with developing a compromise proposal for ZTA 20-01

Finding a way forward on farm solar

As a lead sponsor of the proposed zoning change to allow "community solar" on less than 2% of the County's 100,000 acres of land zoned Agricultural Reserve, I can no longer support the zoning change as it was amended by the Council on January 26, 2021. If it comes before the Council again, I am hopeful that we will still find a compromise that provides a clean path forward for a meaningful amount of solar energy; if not, with regret I will vote against it.

(The compromise proposal that was voted for by a majority of council members on Jan 26 does provide a clear path forward for solar in the AR, yet does not undermine the critical zoning that retains the primacy of agriculture and protects prime soils for future food security.)

The original proposal I introduced with Council President Tom Hucker would have generated enough clean electricity to power about 50,000 homes, (the compromise proposal can still do this) helping the County achieve important climate goals and supporting State goals to shut down coal-fired power plants (how would this ZTA help shut down coal plants?? The coal plant in Dickerson shuttered in August, without any help from this ZTA. GenOn has a plan to add 540MW of critical storage capacity for clean energy there as well as 40MW of solar production – this property is zoned for industry and has the essential hook up and distribution capacity needed to efficiently use the energy produced. Their target date to come online is 2024 No need to take any farmland out of production) -- all while providing discounted clean energy to low income residents. (This misleading claim is repeated over and over. According to industry rep, Leslie Elder, Mr. Riemer's appointee to the stakeholder work group, 68% of all subscribers to community solar projects under this ZTA would live out-of-county and out-of-state. The fine print tells us, of those, only 32% have to be moderate- to low-income. Only 6% of the 32% have to actually be low-income so that means just 2% overall must be low-income. Not much help really if we are looking for social justice).

Working with groups such as the Sierra Club, Poolesville Green and Chesapeake Climate Action Network, we developed a plan that we hoped would be a cornerstone of our County's environmental and climate action agenda. (these 3 local groups and

developers continue to support only the original bill, 60 local groups support the compromise bill)

The Council's amendments thus far, unfortunately, restrict the land that can be used so significantly that, if adopted, the zoning proposal would establish a local precedent for solar power that many clean energy advocates are warning us could move Maryland backwards rather than forward, akin to a local government blocking offshore wind generation on the Eastern Shore. (The precedent for conditional use has already been set and proven effective in Baltimore and Howard Counties. They both have several successful commercial solar projects up and running. MoCo would just be following recommended land use practices by national Sierra Club, the Chesapeake Bay Foundation and many other counties and states).

The original proposal would have allowed 1,800 acres of land to be used. With that amount of land, we would reasonably expect about 150 community solar projects each providing 2 megawatts of solar power, or 300 megawatts total. That would power about 50,000 homes (330 homes per project x 150 projects). As amended, we can reasonably expect as few as 2 projects, enough to power around 660 homes. (This is based on deceptive assumptions. Ms Elder's analysis assumed only one in 20 land owners would be willing to accept a proposal. If more accepted, more would be built. It also assumes that parcels must be 15 contiguous acres. The ZTA allows projects 'up to 2MW'. A successful project could be sited on 5 acres of land. It does not require 15 acres. Many of those in neighboring counties are on much smaller parcels than 15 acres. This opens up hundreds more acres of land but protects our class II prime farmland for ag)

Solar power facilities are permitted or incentivized by the public sector but built by the private sector. As amended, according to a [careful review by solar developers](#), there are just 41 parcels of land close enough for electrical interconnection to be feasible. Based on experience in Maryland, just 1 in 20 property owners will accept a solar contract; meaning that the amended proposal could produce just 2 solar projects. If Montgomery County's market experience is 500% greater than typical, resulting in 10 projects (20 megawatts of power), that would be in the range of 7% of the amount of clean energy generated compared to what we originally proposed. (again, if you change the inputs to more reasonable assumptions, the numbers come out quite differently) This is before considering the "conditional use" risks of denial, which are hard to weigh but may turn solar developers away given the high upfront costs of each project. (Solar developers are working across the state and county with conditional use zoning laws that protect local zoning to preserve land use that is valued by those jurisdictions. In MoCo only one in the past 80 applications for approval under the conditional use provision has not been accepted. This is a fair process. Quite rightly, in other counties, developers are fitting in to local zoning requirements not setting zoning requirements themselves. The ZTA as originally written, looked like it had been written by a solar developer).

Our county has adopted climate goals. We declared a "climate emergency." We have funded a series of studies on how to reduce our carbon footprint. (the Climate Action

Plan that the County recently released calls for 1. Implementation of a Community Choice Energy [CCE] plan – this would provide clean affordable energy to *ALL county residents* [ALL low-income residents included] through a collective energy purchase agreement by the county on behalf of residents – truly a game-changing initiative for us and rated by far the most cost-effective strategy to implement. The Maryland Assembly is poised to accept this new legislation. Marc Elrich has put MoCo first in line to implement it. 2. Second on the CAP list of priorities is behind-the meter solar on every building and brownfield. The ZTA also calls for allowing every farm, business and home to produce up to 200% of their power needs through solar arrays with no permitting required. (If Mr. Riemer walks away from the ZTA, we lose this too.) These steps were important, but cannot move the needle without actually making changes, many of which will require real tradeoffs and disruption to the status quo. (CCE and Behind-the-Meter are win-win, no loss of productive farmland)

I hope we can yet find a reasonable path forward.

Background on farm solar

Just as we knew that a devastating coronavirus pandemic would eventually hit us, we know that the destruction of climate change is growing.

To quote Bill Gates, "Covid-19 is awful. [Climate change could be worse.](#)"

We must all do what we can to change course to a better future.

The good news is that, much like we have solutions for COVID-19, we can in fact slow down and ultimately reverse the trends causing climate change.

We have to be willing to act.

This is why I have proposed an ambitious plan for farmland solar that could power up to 50,000 homes with clean energy instead of coal and gas.

Yes, this plan has been highly controversial. It has engendered opposition, even from those who otherwise care about the environment.

So let me tell you why this plan makes sense.

Most carbon emissions come from two sources:

- Our use of energy in the electricity grid for our homes, offices, devices, etc, and
- Our use of energy in our vehicles.

The electricity grid is fed by fossil fuels — coal and gas.

Our cars are fed by fossil fuels -- gasoline.

The path to eliminating carbon emissions is to switch all fuel sources in the electricity grid from fossil fuels to solar and wind; and then to switch all vehicles to electric or other clean energy.

These fuel switches will require reducing demand for electricity -- energy efficiency and reducing driving are crucial.

But everything rests on our ability to switch power sources from fossil fuels to clean energy.

To get there, we need solar on rooftops, parking lots and everywhere we can get it.

According to very intensive research by national laboratories, even at maximum buildout, rooftops and parking lots will only ever provide a fraction of the solar generation that we need.

We must have solar panels mounted on the ground. Maryland will need about [40,000 acres of solar statewide on agricultural land](#) to get to 100% clean energy. 1,800 acres, per our proposal, is a small share (5%) for our County to provide considering that we have over 17% of the state's population. *(We are the most densely populated county in the state and our state is one of the most densely populated in the country. No urban planner in the world would suggest that a densely populated area should produce all its energy. We have never even considered trying to do this before. We need to retrofit all our buildings for energy efficiency (the most cost-effective GHG reduction strategy) and put solar on all new and old construction and we need to purchase clean energy from the open marketplace. This is the beauty of CCE)*

Climate change is one of our generation's most daunting challenges. When I think about how Montgomery County can lead the way, it fires me up.

Already farmers elsewhere are pioneering "dual use" of land beneath solar arrays by

- [Cultivating pollinator friendly wildflowers](#), storing carbon in the soil and supporting bees needed for local crops

- [Grazing sheep](#) for local food and wool for textiles
- Growing [vegetable crops](#) for local food and [grapes](#) for local wine

All of these uses are compatible with solar arrays, but none of them are allowed due to the zoning in Montgomery County's Agricultural Reserve. (ALL of these ag-solar co-located strategies would be allowed if Mr. Riemer would allow his ZTA to move forward. All of these are provided for in the compromise ZTA voted on by 6/9 councilmembers)

That's right. A very meaningful solar solution to fight climate change with farming is prohibited by zoning in Montgomery County. (only if he continues to block its passage.)

If we pass the measure as proposed, a whole new model of farming is poised to emerge.

The plan also has forest, runoff and other environmental protections that exceed what is otherwise required for farm land. (Again, this is true for the compromise proposal, a hearing examiner, with guidance from the Office of Agriculture, would assure protection of forests, wetlands and steep slopes. Without the provision requiring the review of a hearing examiner, proposals would only be reviewed by the Planning Board which has a track record of approving plan after plan submitted by developers that violate local zoning code).

Climate change is daunting. But I know that if we take bold action — we can do this.

Sincerely,
Hans Riemer

P.S., please read this [great piece in the Washington Post](#) about why the County Council should vote for the proposal, written by the leaders of the Montgomery County Sierra Club chapter and the Maryland statewide advocacy group, Chesapeake Climate Action Network (and also read the W Post OpEd by Scott Fosler, the Sentinel piece by Jim O'Connell and the open letter to the Council signed by 60 environmental and civic groups and hundreds of county residents – all of whom value the assets of the AR but do not necessarily actually live there).

It is my understanding that Councilmembers Rice, Friedson, Katz, Navarro, Alborno and Jawando stand by their votes last week and would still like to see this bill be passed. I do hope Councilmembers Riemer, Hucker and Glass will accept the majority vote of the Council and move forward with it as amended. This is how the legislative process works.