

## Solar Industry Blasts “De Facto Moratorium” on Solar in Ag Reserve

by [Adam Pagnucco](#)

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In the wake of the county council’s changes to a zoning text amendment that would allow solar panels in the agricultural reserve, the solar industry is now urging the council to defeat the legislation. The industry claims that [two amendments](#) adding soil restrictions and additional review requirements are tantamount to a “de facto moratorium” on solar in the reserve. One solar generator based in Kensington [has already abandoned its projects in MoCo](#) and industry representatives allege that others are also pulling out.

The letter to the council from the [Coalition for Community Solar Access](#) and the [Chesapeake Solar and Storage Association](#) is reprinted below.

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Montgomery County Council  
100 Maryland Avenue, 6th Floor  
Rockville, MD 20850  
RE: ZTA 20-01

Dear President Hucker and Councilmembers,

The Coalition for Community Solar Access (CCSA) and Chesapeake Solar and Storage Association (CHESSA), formerly MDV-SEIA, thank the Montgomery County Council for its year-long consideration of the Zoning Text Amendment 20-01 (ZTA 20-01) and the opportunity to offer input on behalf of the solar energy industry. We appreciate the time and attention the Council has dedicated to this important issue and recognize that you sought to find balance in your approaches with the best of intentions. However, at this time and due to the amendments that were adopted by the Council on January 26, 2021, particularly related to restrictions on Class 2 soils and new conditional use requirements, CCSA and CHESSA regrettably submit this letter in strong opposition of the ZTA 20-01 as it will prevent reasonable solar development in Montgomery County.

The trade associations and our member companies presented information stating that either soil restrictions beyond Class 1 soils or conditional use would prevent reasonable development of community solar and AgNEM facilities in Montgomery County. As you know, the Maryland Community Solar Pilot Program seeks to provide clean, renewable energy to Maryland

residents who do not otherwise have access to solar electricity, particularly with respect to low- and moderate-income families.

While we understand many on the Council believe that these two amendments were a “compromise,” seeking to find a “middle ground,” these two amendments unfortunately undermine the very purpose of the ZTA – which we believed was to allow solar development in a very limited portion of the AR Zone. Small scale solar energy development, such as Community Solar and AgNEM, is a complicated undertaking that entails many federal, state, and local hurdles. ZTA 20-01 as introduced was a relatively modest bill that included several safeguards and an aggregate cap. Over the course of the year-long process, we conceded to several additional amendments related to land conservation as well as other ancillary agricultural benefit requirements and safeguards. While most of the amendments prior to the January 26th decisions created additional cost and burdens on solar development, our members were willing to meet such challenges to promote renewable energy development in the County and work hand in hand with the agricultural industry.

However, the adoption of the class II soil restriction not only reduces the available acreage under the 2% cap by 70% but it eliminates development overall because it doesn’t take into account solar siting provisions required for construction. When these considerations are applied, as required by developers, the soil restriction in fact prevents ground-mounted solar development in the county. Furthermore, the extensive delays caused by the conditional use provisions and the inability to fast track the process will inevitably place community solar facilities in jeopardy of being fined for an extension and removal from the community solar pilot program. The increased costs associated with the court proceedings, duplicative planning board processes and subjectivity for approval, decrease the cost savings for community solar subscribers, defeating the intent of providing affordable clean energy to customers who have been unable to access it through other means. These are simply risks the industry cannot take.

Not only will the two amendments to ZTA 20-01 – Class 2 soil restrictions and conditional use - prevent Montgomery County from achieving its robust clean energy goals, these amendments, if the ZTA is enacted, will introduce considerable risk to the state’s community solar pilot program and reduce the customer benefits received by Maryland residents as a whole, including low- and moderate -income families. The recent actions taken by the Council place a de facto moratorium on solar development in the AR Zone and prevent Montgomery County from participating in the remaining three years of the Maryland Community Solar Pilot Program.

As a result of the votes taken on January 26th, several of our members have already started to cancel current land option leases with landowners and farmers in Montgomery County. Others

have begun cancelling contracts with local vendors and consultants, including employment opportunities in the County. We have also heard from other subscriber organizations that have begun to cancel subscriber acquisition for Montgomery County residents to participate in community solar programs.

While we are always willing to find workable solutions to our climate challenges with the County, we respectfully but strongly urge that ZTA 20-01 be defeated in its current posture. Thank you for your work and we hope we can count on your support to vote no.

Sincerely,

Leslie Elder, Mid-Atlantic Director  
Coalition for Community Solar Access

David Murray, Executive Director  
Chesapeake Solar and Storage Association

CCSA is a national coalition of businesses and nonprofits working together to implement best practices for all community solar markets. Our mission is to empower all Maryland households and businesses that seek home grown energy sources through community solar. We work with customers, utilities, local stakeholders, allies and policymakers to develop and implement best practices that ensure community solar programs provide a win-win-win solution. The solution begins with the customer and the land owners. Our members are solar industry leaders and are engaged at every step of development, ensuring these best practices are not theoretical but are applied and practiced. We have members headquartered in Maryland, including some members headquartered in Montgomery County, and others who were interested in investing here.

The Chesapeake Solar & Storage Association (CHESSA), formerly MDV-SEIA, is a regional trade association representing over 10,000 solar installers, developers, manufacturers, and other solar workers in Maryland, Virginia and the District of Columbia. It is the recognized state affiliate of the Solar Energy Industries Association.