

Testimony on County Council Bill 5-21 – Agricultural Preservation

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The situation concerning this bill has changed drastically since I signed up to testify on it back in January. At that time, it was expected that the County Council would pass ZTA 20-01, allowing 1800 acres of community solar in the Agricultural Reserve, with the compromise amendments agreed on in December by the Farmland Solar Stakeholder Workgroup on which I served. Most of those compromises could be incorporated into the ZTA, but one of them would require additional legislation, and would use the revenue from property taxes due to community solar to support “farming-related services in the county.” These would include:

- Rent relief
- Land preservation
- Support for young farmers
- Promotion of table crops
- Other agriculture-related support

Recognizing the historic racism in agriculture in the county and in the U.S., preference would be given to Black and Hispanic farmers in allocating these resources. The Office of Agriculture and the farming community would be consulted on how best to allocate the revenue from property taxes on community solar, which were estimated in an analysis by County staff, to be \$3,574,018 over ten years.

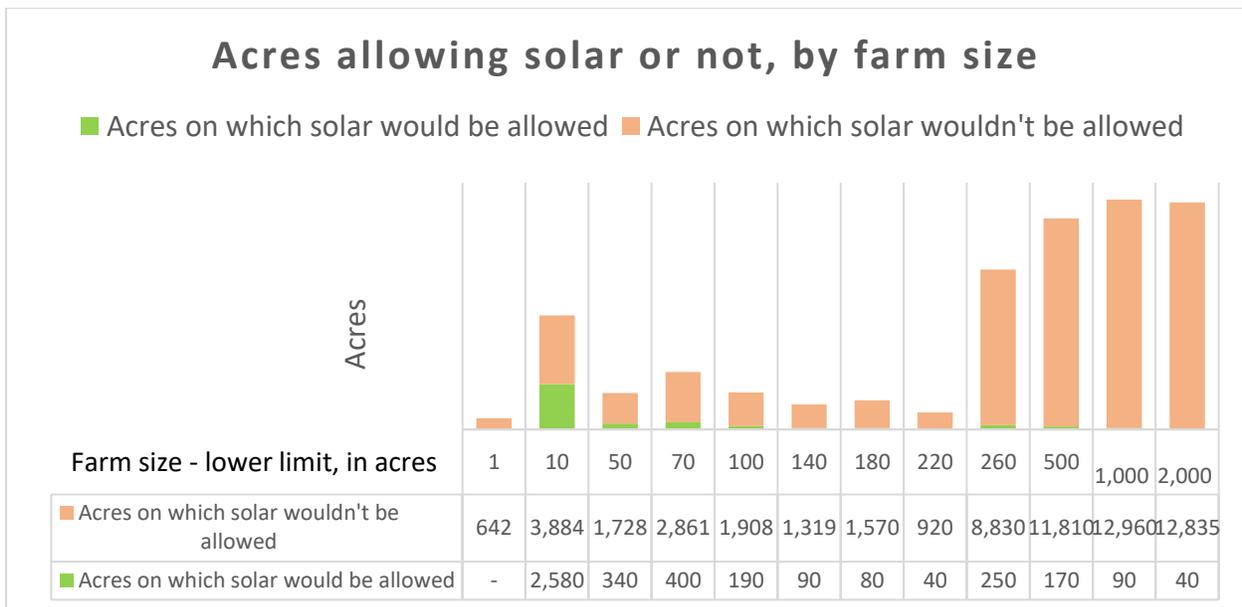
That was the situation in mid-January. However, since then things have changed a great deal.

The full Council, before it passed the ZTA, adopted two amendments that severely reduce the amount of community solar allowed. In particular, it made illegal any solar project that covered

even one square inch of capability class 2 soils – the most abundant kind of soil in the Agricultural Reserve.

Three different scientific analyses show how this amendment will make it impossible for community solar to reach even a small fraction of the 1800 acres supposedly allowed by the ZTA. These were:

- 1) My own analysis, submitted to the Council and the Workgroup, showing that the one-project per parcel restriction in state law, effectively makes the number of acres available only about 4,000 of the 103,000 acres of the Ag Reserve, before applying the class 2 soil and other exclusions. This is due to the extremely unequal distribution of farmland in the County, with just 30 out of 558 farms owning 58% of the land.



- 2) The analysis of that the county Planning Department’s GIS team submitted to the Council, demonstrating that with exclusion of class 2 soils, only 1650 acres of projects could be built, even under the extremely unrealistic assumptions that a) every single location would be close enough to three-phase electrical lines to connect it to the grid, b) every single landowner who could potentially lease land for a solar project, would decide

to do it. (The experience of the solar industry is that generally only about 1 landowner in 20 decides to do so.)

- 3) The detailed, GIS-based analysis submitted by the MDV-SEIA and the CCSA, which took into consideration all the factors limiting projects, including the one-project-per-parcel rule, connection to the grid, and landowner willingness to participate. This analysis showed that the most likely number of projects that would be built was...just two. In other words, we would have 25 or 30 acres of solar, rather than the 1800 supposedly permitted by the ZTA. Even under the most optimistic expectation of landowner willingness – say, one in four rather than the one in 20 that is the typical experience --- we would only have 125 to 150 acres of community solar.

These analyses – none of which have even been claimed to be incorrect -- show that you are no longer talking about how to spend \$ 3.5 million in tax revenue over ten years. Rather, you're now talking about having at most less than \$ 300,000 over ten years – i.e. an average of just \$ 30,000 annually. And that's under the most optimistic and frankly very unrealistic assumptions. Now, I realize that some of the members of the Council have expressed the hope that these analyses are wrong and that somehow a lot more solar projects than estimated will be built. One member even has said that he thought that excluding class 2 soils would somehow increase the number of projects that would be developed. So let me say two things about this.

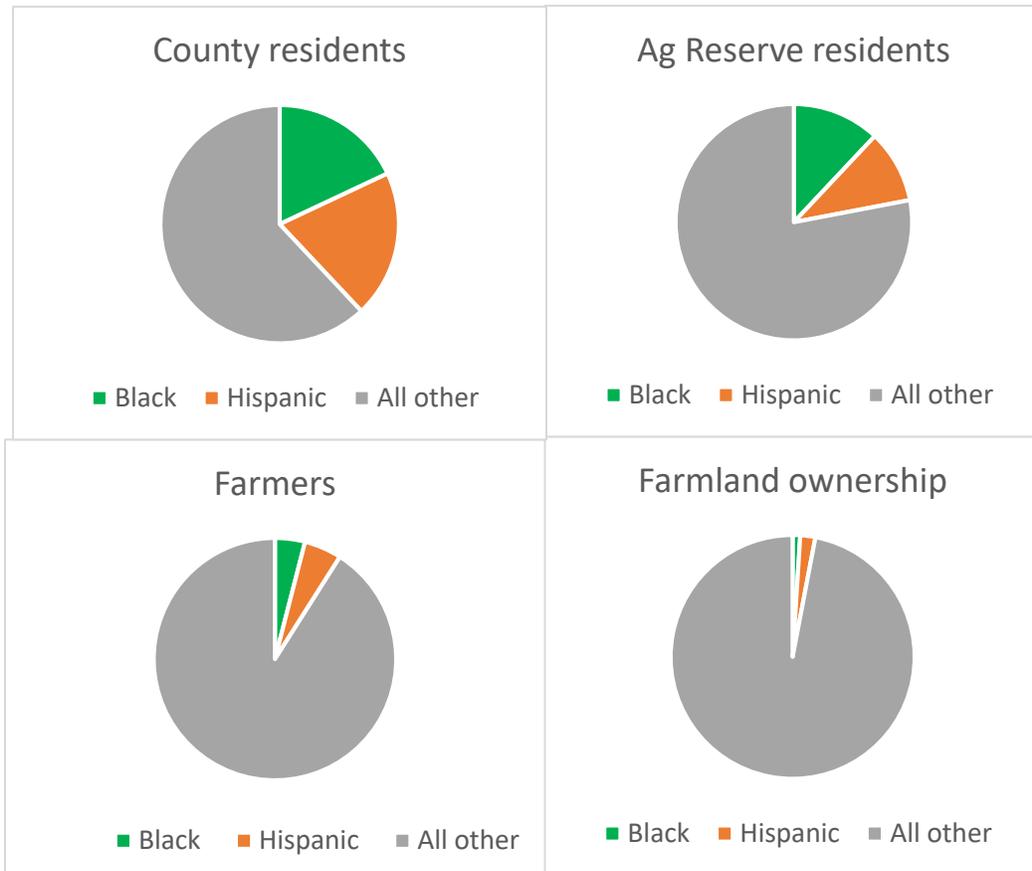
First of all, as has often been said. "Hope is not a policy." And more directly in this case, hope will not change the soil maps.

Secondly, it's simply not good governance to undertake spending assuming that you'll have more than ten times as much money as the analyses show you'll have. Clearly, there will not be the large windfall in property taxes that was expected, and that would have made it possible to

spend money on several different kinds of programs. This means that you'll have to make choices.

In this light, the choice to put all the money into agricultural preservation is a bad one, for several reasons:

- 1) It's expensive. In recent years the cost of agricultural land preservation has been running at or above \$ 4,000 an acre. So you would only be able to preserve about 7 acres a year.
- 2) It benefits the richest landowners. As shown above, the distribution of farmland in the county is extremely unequal, with 6% of farmers owning 58% of the farmland, according to the 2017 Agricultural Census. Those who have the most land are those most likely to be paid to preserve it. Thus, putting money into preservation alone is regressive.
- 3) It's racially discriminatory, as shown by the Census data and as indicated by the Racial Equity and Social Justice Impact Statement on Bill 5-21 that you have received from the Office of Legislative Oversight. This is because the 4% of county residents who live in the Ag Reserve are both Whiter and wealthier than the rest of the county, and there is historic racial inequity in farmland ownership. Black and Latinx residents are severely underrepresented in the county's agricultural community. The Census Bureau's 2013-2018 ACS Survey and the USDA's Census of Agriculture 2017 show that:
 - Black residents make up 18% of the county's population, but only 12% of the population of the Agricultural Reserve. They are only 4% of the county's farmers and have only 1% of the farmland.
 - Latinx residents make up 20% of the county's population, but only 10% of the population of the Agricultural Reserve. They are only 5% of the county's farmers and have only 2% of the farmland.
 - Farms owned by White farmers in the county average 124 acres. Those owned by Latinx farmers average only 42 acres, and those owned by Black farmers average just 18 ½ acres



4) It reinforces a system that produces commodity feed grain crops, landscaping plants and horses for equestrian enjoyment, but very little food for people. As the census data show, only 1.3% of our farmland produces fruits and vegetables, while 2/3 of the land is in feed grains and hay. This land use pattern is why less than 1% of the county’s food comes from the Ag Reserve, and less than 1% of what the Ag Reserve produces is consumed in the county.

Facing this reality, I urge you to change the allocation of the small amount of money that will come from community solar in the Ag Reserve. Rather than using it for agricultural preservation, which would only further solidify the extreme inequality and systemic racism of current

farmland ownership, the Council should use this revenue to take a small initial step towards racial equity and social justice.

Specifically, I would encourage you to set up a program to help young Black and Latinx county residents get started in farming. It can help them pay for costs such as land rental, equipment, supplies, marketing and transportation, as well as to hire young people to work and gain experience in farming. It cannot be large, because of the extremely limited amount of revenue that the ZTA as adopted will generate. But it can be a start.

In summary, please be realistic about the impact of the decisions you chose to take on the ZTA. You have reduced the benefits that it will have, for climate change, clean energy and the electric bills of low-income residents, to practically nothing. But at least you can use the small amount of tax revenue it will generate, to begin the transition to a more just agriculture in Montgomery County, rather than reinforcing the social and racial inequity of the current system.