

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)

From: [Scheffel, Mike](#)
To: [Hochberg, Adriana](#); [Criss, Jeremy](#)
Subject: RE: Solar in AR Meeting
Date: Thursday, October 14, 2021 7:55:06 AM
Attachments: [RE Solar in AR Meeting.msg](#)
[Solar Projects in the Agricultural Reserve 8 30 2021 draft version 1.OZAH.docx](#)

Good morning, Adrianna,

Jeremy and I feel the attached guidance document is the best we can do at this time. The reason I say it in this way we continue to learn more about solar rules/regulations/policies each time I ask a question.

One question leads to ten more unanswered questions.

We have two upcoming meetings that we hope will lead to more clarity on these issues:

10/20 at 1pm with staff from the PSC:

You have been invited to the following event.

Community Solar Discussion with Montgomery County

When Wed Oct 20, 2021 1pm – 2pm Eastern Time - New York

Joining info Join with Google Meet
meet.google.com/vsw-yqxx-ktu

Join by phone
(US) [+1 570-427-3156](tel:+15704273156) (PIN: 595873292)

[More phone numbers](#)

Calendar mike.scheffel@montgomerycountymd.gov

Who

- phillip.vanderheyden@maryland.gov - organizer
- mike.scheffel@montgomerycountymd.gov

[more details »](#)

11/3 at 8:30 with Cindy McCabe and other solar providers:

Join Zoom Meeting
https://us02web.zoom.us/j/82815708020?tk=F64qqiRRv2_I23LJo3YiC50GQmwkosMx4SxzZ8HBC6U.DQMAAAATSDNrdBZjRmtQYmVHcVFSRzdaVUVXSnFDMHFRAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAA

Meeting ID: 828 1570 8020

One tap mobile
+13017158592,,82815708020# US (Washington DC) 13126266799,,82815708020#
+US (Chicago)

We hope the information shared during these meetings will allow us to better inform farmers and landowners about the solar industry.

The solar ZTA 20-01 while important, was passed without full understanding of the process installing a 2MW

system in the AR zone.

We have heard the energy provider with the biggest service area in the AR zone has met their renewable energy quota?

If this is true, we are unsure if any 2MW installation would be installed in Potomac Edison's service area.

Please let us know if you have questions.

Thank you,

Mike

Mike Scheffel

Office of Agricultural Services, Agricultural Land Preservation Program Administrator

[18410 Muncaster Road](#)

[Derwood, Maryland 20855](#)

301-590-2856 (Office)

443-487-2971 (Cell)

mike.scheffel@montgomerycountymd.gov

<http://www.montgomerycountymd.gov/agservices>

CONNECT WITH The Office of Agriculture

Montgomery County Ag Reserve

93,000 acres

Please take a moment to answer this quick satisfaction survey about our interaction today:

<https://forms.gle/yXhnxpQLtHgFPtBX6>

From: Hochberg, Adriana <Adriana.Hochberg@montgomerycountymd.gov>

Sent: Wednesday, October 13, 2021 9:11 PM

To: Scheffel, Mike <Mike.Scheffel@montgomerycountymd.gov>; Criss, Jeremy <Jeremy.Criss@montgomerycountymd.gov>

Subject: Re: Solar in AR Meeting

Can you let me know where things stand with the solar guide? Do you need help bringing it to the finish line?

Sent from my iPhone

On Sep 17, 2021, at 11:36 AM, Scheffel, Mike <Mike.Scheffel@montgomerycountymd.gov> wrote:

Attached is the document thus far, it is in draft form.

Thanks,

Mike

Mike Scheffel

Office of Agricultural Services, Agricultural Land Preservation Program Administrator

[18410 Muncaster Road](#)

[Derwood, Maryland 20855](#)

301-590-2856 (Office)

443-487-2971 (Cell)

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Montgomery County Ag Reserve

93,000 acres

Please take a moment to answer this quick satisfaction survey about our interaction today:

<https://forms.gle/yXhnxpQLtHgFPtBX6>

From: Hochberg, Adriana <Adriana.Hochberg@montgomerycountymd.gov>

Sent: Friday, September 17, 2021 11:31 AM

To: Scheffel, Mike <Mike.Scheffel@montgomerycountymd.gov>; Sorrento, Christina <christina.sorrento@montgomeryplanning.org>; Tibbitts, Dale <Dale.Tibbitts@montgomerycountymd.gov>; Beall, Mark <Mark.Beall@montgomerycountymd.gov>; Brown, Angela <angela.brown@montgomeryplanning.org>; Butler, Patrick <patrick.butler@montgomeryplanning.org>; Robert Kronenberg <robert.kronenberg@montgomeryplanning.org>; Braunstein, Neil <neil.braunstein@montgomeryplanning.org>; Criss, Jeremy <Jeremy.Criss@montgomerycountymd.gov>; Baumgardner, Derek <Derek.Baumgardner@montgomerycountymd.gov>; Etheridge, Mark <Mark.Etheridge@montgomerycountymd.gov>; Salazar, Victor <Victor.Salazar@montgomerycountymd.gov>; Panjshiri, Atiq <Atiq.Panjshiri@montgomerycountymd.gov>; Motazedi, Ehsan <Ehsan.Motazedi@montgomerycountymd.gov>; Flemming, Jason <Jason.Flemming@montgomerycountymd.gov>; Bomer, Bryan <Bryan.Bomer@montgomerycountymd.gov>; Robeson Hannan, Lynn <Lynn.RobesonHannan@montgomerycountymd.gov>

Cc: Benham, Heidi <Heidi.Benham@montgomerycountymd.gov>; Iseli, Claire <Claire.Iseli@montgomerycountymd.gov>

Subject: RE: Solar in AR Meeting

What's the status of the guidance document? We've received an inquiry from a Councilmember's Office about it.

From: Scheffel, Mike <Mike.Scheffel@montgomerycountymd.gov>

Sent: Monday, August 16, 2021 6:52 AM

To: Sorrento, Christina <christina.sorrento@montgomeryplanning.org>; Tibbitts, Dale <Dale.Tibbitts@montgomerycountymd.gov>; Hochberg, Adriana <Adriana.Hochberg@montgomerycountymd.gov>; Beall, Mark <Mark.Beall@montgomerycountymd.gov>; Brown, Angela <angela.brown@montgomeryplanning.org>; Butler, Patrick <patrick.butler@montgomeryplanning.org>; Robert Kronenberg <robert.kronenberg@montgomeryplanning.org>; Braunstein, Neil <neil.braunstein@montgomeryplanning.org>; Criss, Jeremy <Jeremy.Criss@montgomerycountymd.gov>; Baumgardner, Derek <Derek.Baumgardner@montgomerycountymd.gov>; Etheridge, Mark <Mark.Etheridge@montgomerycountymd.gov>; Salazar, Victor <Victor.Salazar@montgomerycountymd.gov>; Panjshiri, Atiq <Atiq.Panjshiri@montgomerycountymd.gov>; Motazedi, Ehsan <Ehsan.Motazedi@montgomerycountymd.gov>; Flemming, Jason <Jason.Flemming@montgomerycountymd.gov>; Bomer, Bryan <Bryan.Bomer@montgomerycountymd.gov>; Robeson Hannan, Lynn <Lynn.RobesonHannan@montgomerycountymd.gov>

Cc: Benham, Heidi <Heidi.Benham@montgomerycountymd.gov>; Iseli, Claire <Claire.Iseli@montgomerycountymd.gov>

Subject: RE: Solar in AR Meeting

Good morning,

Jeremy and I have no issue with our web page having a guidance type of document for solar projects.

The document would list the items our office reviews on a particular property including but not limited to:

Zoning of the property

Size of the property

Any easements on the property (ag pres 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)

If anyone has other items we could add to the list please let me know.

Otherwise, the Office of Ag will work to get a “so you are thinking about solar” document on our webpage.

Thanks,

Mike

Mike Scheffel

Office of Agricultural Services, Agricultural Land Preservation Program Administrator

18410 Muncaster Road

Derwood, Maryland 20855

301-590-2856 (Office)

443-487-2971 (Cell)

mike.scheffel@montgomerycountymd.gov

<http://www.montgomerycountymd.gov/agservices>

CONNECT WITH The Office of Agriculture

Montgomery County Ag Reserve

93,000 acres

From: Sorrento, Christina <christina.sorrento@montgomeryplanning.org>

Sent: Friday, August 13, 2021 9:25 AM

To: Tibbitts, Dale <Dale.Tibbitts@montgomerycountymd.gov>; Hochberg, Adriana <Adriana.Hochberg@montgomerycountymd.gov>; Beall, Mark <Mark.Beall@montgomerycountymd.gov>; Brown, Angela <angela.brown@montgomeryplanning.org>; Butler, Patrick <patrick.butler@montgomeryplanning.org>; Robert Kronenberg <robert.kronenberg@montgomeryplanning.org>; Braunstein, Neil <neil.braunstein@montgomeryplanning.org>; Criss, Jeremy

<Jeremy.Criss@montgomerycountymd.gov>; Scheffel, Mike
<Mike.Scheffel@montgomerycountymd.gov>; Baumgardner, Derek
<Derek.Baumgardner@montgomerycountymd.gov>; Etheridge, Mark
<Mark.Etheridge@montgomerycountymd.gov>; Salazar, Victor
<Victor.Salazar@montgomerycountymd.gov>; Panjshiri, Atiq
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<Lynn.RobesonHannan@montgomerycountymd.gov>
Cc: Benham, Heidi <Heidi.Benham@montgomerycountymd.gov>; Iseli, Claire
<Claire.Iseli@montgomerycountymd.gov>
Subject: RE: Solar in AR Meeting

[EXTERNAL EMAIL]

Good morning Dale-

The checklist is for applicants. It is typically the engineer that uses this document so that is the intended audience. I agree that what DPS has done in the two examples below is helpful. If we want to do something like that for Solar in the AR zone, I think it might be useful for that to live on either the OZAH page or the Office of Agriculture's page since that is likely where farmers would look to get an overview for this conditional use.

Lynn, Jeremy, and Mike- What are your thoughts?

<image001.png>

Christina Sorrento

Chief, Intake and Regulatory Coordination Division

Montgomery County Planning Department
2425 Reddie Drive, 14th Floor, Wheaton, MD 20902
christina.sorrento@montgomeryplanning.org
o: 301.495.4649

<image002.png>

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<image006.png>

<image007.jpg>

From: Tibbitts, Dale <Dale.Tibbitts@montgomerycountymd.gov>
Sent: Thursday, August 12, 2021 9:31 PM
To: Sorrento, Christina <christina.sorrento@montgomeryplanning.org>; Hochberg, Adriana
<Adriana.Hochberg@montgomerycountymd.gov>; Beall, Mark
<Mark.Beall@montgomerycountymd.gov>; Brown, Angela

<angela.brown@montgomeryplanning.org>; Butler, Patrick
<patrick.butler@montgomeryplanning.org>; Kronenberg, Robert
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<Ehsan.Motazed@montgomerycountymd.gov>; Flemming, Jason
<Jason.Flemming@montgomerycountymd.gov>; Bomer, Bryan
<Bryan.Bomer@montgomerycountymd.gov>
Cc: Benham, Heidi <Heidi.Benham@montgomerycountymd.gov>; Iseli, Claire
<Claire.Iseli@montgomerycountymd.gov>
Subject: RE: Solar in AR Meeting

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

All,

Who is the intended audience? This seems to be a checklist document for the inside reviewers. It is not user friendly for farmers who are thinking about what is possible on their property and what is involved if they decide to pursue a solar use.

DPS created the more user friendly [Recipe for Success](#) for restaurants and a [farm alcohol production page](#).

From: Sorrento, Christina <christina.sorrento@montgomeryplanning.org>
Sent: Thursday, August 12, 2021 9:48 AM
To: Hochberg, Adriana <Adriana.Hochberg@montgomerycountymd.gov>; Beall, Mark
<Mark.Beall@montgomerycountymd.gov>; Brown, Angela
<angela.brown@montgomeryplanning.org>; Butler, Patrick
<patrick.butler@montgomeryplanning.org>; Robert Kronenberg
<robert.kronenberg@montgomeryplanning.org>; Braunstein, Neil
<neil.braunstein@montgomeryplanning.org>; Criss, Jeremy
<Jeremy.Criss@montgomerycountymd.gov>; Scheffel, Mike
<Mike.Scheffel@montgomerycountymd.gov>; Baumgardner, Derek
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<Atiq.Panjshiri@montgomerycountymd.gov>; Motazed, Ehsan
<Ehsan.Motazed@montgomerycountymd.gov>; Flemming, Jason
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Cc: Benham, Heidi <Heidi.Benham@montgomerycountymd.gov>; Iseli, Claire
<Claire.Iseli@montgomerycountymd.gov>; Tibbitts, Dale
<Dale.Tibbitts@montgomerycountymd.gov>
Subject: RE: Solar in AR Meeting

[EXTERNAL EMAIL]

Good morning everyone-

We have added the solar requirements to our intake checklist. I have attached the draft here. Let me know if there is anything further you would like to see on it. Once it is acceptable, we will post it on our website. Thanks.

<image001.png>

Christina Sorrento

Chief, Intake and Regulatory Coordination Division

Montgomery County Planning Department
2425 Reddie Drive, 14th Floor, Wheaton, MD 20902
christina.sorrento@montgomeryplanning.org
o: 301.495.4649

<image002.png>

<image003.png>

<image004.png>

<image005.png>

<image006.png>

<image007.jpg>

From: Hochberg, Adriana <Adriana.Hochberg@montgomerycountymd.gov>

Sent: Thursday, August 12, 2021 9:26 AM

To: Sorrento, Christina <christina.sorrento@montgomeryplanning.org>; Beall, Mark

<Mark.Beall@montgomerycountymd.gov>; Brown, Angela

<angela.brown@montgomeryplanning.org>; Butler, Patrick

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<neil.braunstein@montgomeryplanning.org>; jeremy.criss@montgomerycountymd.gov; Scheffel,

Mike <Mike.Scheffel@montgomerycountymd.gov>; Baumgardner, Derek

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Cc: Benham, Heidi <Heidi.Benham@montgomerycountymd.gov>; Iseli, Claire

<Claire.Iseli@montgomerycountymd.gov>; Tibbitts, Dale

<Dale.Tibbitts@montgomerycountymd.gov>

Subject: RE: Solar in AR Meeting

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or

responding.

Hello,

Can you provide an update as to the status of the development of a “solar how-to” check list for the Agricultural Reserve?

Thank you,
Adriana

Adriana Hochberg, [CC-P](#)
Assistant Chief Administrative Officer &
Climate Change Coordinator
Office of the County Executive
(240) 620-3005 – Cell
[@climateczarina](#)

Learn about the County’s efforts to combat the climate emergency:
montgomerycountymd.gov/climate

-----Original Appointment-----

From: Sorrento, Christina <christina.sorrento@montgomeryplanning.org>

Sent: Thursday, June 03, 2021 11:27 AM

To: Sorrento, Christina; mark.beall; Angela Brown; Butler, Patrick; Kronenberg, Robert; Braunstein, Neil; Jeremy.Criss@montgomerycountymd.gov; Mike.Scheffel@montgomerycountymd.gov; Derek.Baumgardner@montgomerycountymd.gov; Mark.Etheridge@montgomerycountymd.gov;

Salazar, Victor; atiq.panjshiri@montgomerycountymd.gov;

ehsan.motazedi@montgomerycountymd.gov; jason.flemming@montgomerycountymd.gov

Cc: Benham, Heidi

Subject: Solar in AR Meeting

When: Monday, June 21, 2021 11:00 AM-12:00 PM (UTC-05:00) Eastern Time (US & Canada).

Where: Microsoft Teams Meeting

[EXTERNAL EMAIL]

Solar in AR checklist

Microsoft Teams meeting

Join on your computer or mobile app

[Click here to join the meeting](#)

Join with a video conferencing device

135990691@t.plcm.vc

Video Conference ID: 114 567 351 6

[Alternate VTC dialing instructions](#)

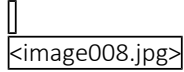
Or call in (audio only)

[+1 443-961-1463,,672656575#](#) United States, Baltimore

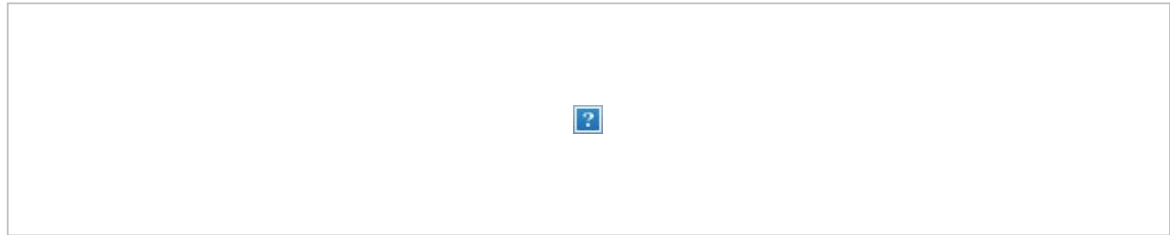
Phone Conference ID: 672 656 575#

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For COVID-19 Information and resources, visit: www.montgomerycountymd.gov/COVID19



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<Solar Projects in the Agricultural Reserve_8_30_2021_draft.docx>