

Amendment 1 to Amendment 1 to Council Bill No. 59- 2026

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Amendment No. 1 to Amendment No. 1

(This Amendment revises the parenthetical, adds language to specify that a new codified provision will be added to Section 16.103 and adds an uncoded provision to request an opinion by the Office of the Attorney General on what authority Howard County has to regulate solar energy facility development on ALPP parcels, and whether that is precluded by HB1036.)

On page 1, strike lines 2-10 of the parenthetical in their entirety, and substitute the following:

“ 1. Removes the moratorium and adds language to specify that a new codified provision will be added to Section 16.103 of the Howard County Code;

2. Adds a recital that the preemption in RECA appears to not preempt the County from exercising its property rights regarding ALPP easements;

3. Requires that the DPZ report be submitted to the County Council and County Executive within 30 days of the Meeting being held and presented in a public session to the Council within 10 days of the report submission;

4. Adds language to require that the State Attorney General’s Office and the Howard County Office of Law be included in the meeting; and

5. Adds an uncoded provision to request an opinion by the Office of the Attorney General on what authority Howard County has to regulate solar energy facility development on ALPP parcels, and whether that is precluded by HB1036.”.

On page 1, in line 1, strike “Conditional Use” and insert “Additional Review”.

On page 1, in line 6, strike “approvals” and substitute “applications”.

On page 1, in line 7, strike “go through the existing Conditional Use process”, and substitute
“receive additional review and public input as part of the Site Development Plan process”.

On page 2, strike lines 2-6, in their entirety, and substitute the following:

“Section 1. Be It Enacted by the County Council of Howard County, Maryland, that the Howard County Code is amended as follows:

By adding:

Title 16 - “Planning, Zoning, and Subdivisions and Land Development Regulations.”

Subtitle 1.- “Subdivision and Land Development Regulations.”

Article 1. – “General.”

Section 16.103.- “Administration.”

New Subsection (l).

Title 16 - Planning, Zoning, and Subdivisions and Land Development Regulations

Subtitle 1.- Subdivision and Land Development Regulations

Article 1.- General

Section. 16.103.- Administration.

(a) Provide Information to All Parties. The Department of Planning and Zoning shall keep all parties to a proposed subdivision or development advised in writing of the Department's recommendations and actions.

(b) Department of Planning and Zoning Responsible for Final Action. The Department of Planning and Zoning is responsible for the final approval or disapproval of proposed subdivisions and site developments. In making its decision on a subdivision or site development

1 plan the Department shall consider the reports and recommendations of the review committee
2 and other appropriate agencies to which it has sent the plan for comment and recommendation.

3 (c) *Plans Approved if They Comply with Requirements.* The Department of Planning and Zoning
4 shall approve a subdivision or site development plan which:

5 (1) Complies with the requirements of this Title and the provisions of subtitle 11,
6 "Adequate Public Facilities"; subtitle 12, "Forest Conservation,"; and subtitle 13,
7 "Cemetery Preservation," of this title; and

8 (2) Is consistent with the zoning regulations.

9 (d) *Plans Approved if No Action Within Prescribed Time Limitations.* If the Department does not
10 act on a subdivision plan or site development plan within the time limits of this subtitle, the plan
11 shall have automatic approval.

12 (e) *Types of Final Action.* Final action by the Department of Planning and Zoning on a
13 subdivision or site development submittal shall be:

14 (1) Approval;

15 (2) Approval with required modification; or

16 (3) Denial.

17 (f) *Financial Obligations for Required Improvements; Developer's Agreement.* Upon approval of
18 a subdivision or site development plan, the developer shall post financial obligations for the
19 required public improvements. A developer's agreement and a major facilities agreement, if
20 required, shall be executed between the developer and the County prior to recording of the record
21 plat or signature approval of the site development plan. The agreement may provide that the
22 developer may be partially released from the surety requirements of the agreement upon partial
23 completion of the work in accordance with the criteria established by the Department of Public
24 Works.

25 (g) *Conflict with Other Regulations.* If a provision of this subtitle overlaps or contradicts another
26 law covering the same subject matter, the provision which is more restrictive or imposes higher
27 standards or requirements shall govern.

1 (h) Lots in a Proposed Subdivision May Not Be Sold. The owner or agent of an owner of a
2 proposed subdivision shall not transfer or sell any proposed lots within the subdivision before it
3 has received final plat approval and been recorded or filed in the office of the Clerk of the Circuit
4 Court for Howard County. The description of a lot or parcel by metes and bounds in the
5 instrument of transfer or other document used in the process of selling or transferring shall not
6 exempt the transaction from this prohibition. Violations shall be enforced pursuant to [section](#)
7 [16.106](#) of this subtitle.

8 (i) Building and Other Permits.

9 (1) The Department of Planning and Zoning shall not endorse a building permit in any
10 subdivision or development until and unless the requirements of these regulations have
11 been met.

12 (2) If a site development plan is required by these subdivision regulations, no permit shall
13 be issued for the construction, alteration, or use of a structure or lot unless:

14 (i) Signature approval of the site development plan original is complete; and

15 (ii) The permit is in accordance with the approved site development plan.

16 (j) Correction Plats. The Department of Planning and Zoning may administratively approve
17 corrections or revisions to previously recorded plats which do not change the number of lots or
18 the lotting plan. The addition or modification of any public or private easements must be
19 processed as a correction plat and recorded in the land records of Howard County, with the
20 exception of revertible easements and easements for on-site sewage disposal systems.

21 (k) Fees. Fees for the processing of plans pursuant to this subtitle shall be established by the
22 County Council with recommendations from the Department of Planning and Zoning. The
23 Department of Planning and Zoning may refund any portion of fees if the Director determines an
24 error was made in collecting the fee.

25 (L) AS PART OF THE SITE DEVELOPMENT PLAN PROCESS FOR ANY SOLAR COLLECTOR FACILITY,
26 COMMERCIAL GROUND-MOUNT ON LAND ENCUMBERED WITH AN AGRICULTURAL LAND
27 PRESERVATION PROGRAM (ALLP) EASEMENT, THE DEPARTMENT OF PLANNING AND ZONING
28 SHALL:

1 (1) REQUIRE THAT A PRE-SUBMISSION MEETING BE HELD IN ACCORDANCE WITH CODE
2 REQUIREMENTS, INCLUDING POSTING THE PROPERTY WITH NOTICE OF THE MEETING DATE,
3 TIME AND LOCATION;

4 (2) SEND THE PROPOSED PLAN TO THE AGRICULTURAL PRESERVATION BOARD TO RECEIVE
5 INPUT FROM THE BOARD ON THE IMPACT OF THE PLAN AND MAKE RECOMMENDATIONS ON
6 THE COUNTY’S PROPERTY INTEREST UNDER THE ALPP EASEMENT AND THE HOWARD
7 COUNTY AGRICULTURAL SUSTAINABILITY AND LAND PRESERVATION ACT;

8 (3) PROVIDE AN OPPORTUNITY FOR A PUBLIC MEETING AND PUBLIC COMMENT ON THE PLAN,
9 AS FOLLOWS:

10 (i) PROVIDE PUBLIC NOTICE OF THE PROPOSED PLAN AND THE OPPORTUNITY TO
11 COMMENT AT LEAST 15 DAYS PRIOR TO THE PUBLIC MEETING;

12 (ii) MAKE THE PROPOSED PLAN AND ALL SUBSTANTIVE MATERIALS RELIED UPON BY
13 THE DEPARTMENT IN EVALUATING THE COUNTY’S PROPERTY INTEREST AVAILABLE
14 FOR PUBLIC INSPECTION ON THE DEPARTMENT’S WEBSITE;

15 (iii) PROVIDE AT LEAST ONE PUBLIC MEETING, IN PERSON, WITH A HYBRID OPTION,
16 AT WHICH MEMBERS OF THE PUBLIC MAY PROVIDE ORAL COMMENTS ON THE
17 PROPOSED PLAN;

18 (iv) SCHEDULE THE MEETING IN THE EVENING OF A DAY WHEN COUNTY OFFICES
19 ARE OPEN FOR BUSINESS; AND

20 (v) ACCEPT AND CONSIDER TIMELY SUBMITTED WRITTEN AND ORAL COMMENTS
21 CONCERNING THE PROPOSED PLAN, INCLUDING COMMENTS REGARDING IMPACTS ON
22 AGRICULTURAL PRODUCTION, SOIL RESOURCES, FARMING OPERATIONS,
23 ENVIRONMENTAL RESOURCES, AND THE PURPOSES OF THE ALPP EASEMENT; AND

24 (4) CONSULT WITH THE UNITED STATE DEPARTMENT OF AGRICULTURE AND THE
25 MARYLAND DEPARTMENT OF AGRICULTURE TO ENSURE THAT THE PLAN DOES NOT REDUCE
26 THE AGRICULTURAL VALUE OF THE LAND BY USE OF UNACCEPTABLE PRACTICES PURSUANT
27 TO SECTION 15.512 OF THIS CODE.”.
28

1 On page 2, immediately before line 20, insert the following:

2 “On page 5, immediately before line 5, insert the following:

3 “ **Section 3. And Be It Further Enacted** by the County Council of Howard County, Maryland,
4 that, within five calendar days of the enactment of this legislation, the County Council request an
5 opinion from the Office of the Attorney General on what authority Howard County has to
6 regulate solar energy facility development on ALPP parcels, and whether the existing
7 Conditional Use process for Solar Collector Facility, Commercial Ground-Mount, as defined in
8 the Howard County Zoning Regulations, is precluded by HB1036.”.”

9

10 On page 2, immediately before line 23, insert the following:

11 “On page 5, in line 13 after “Applicability.”, insert the following:

12 “The provisions listed in Section 1 of this Act would apply to all solar energy facilities being
13 developed on land encumbered with ALPP easements that are currently under review in the land
14 development process and have not received Conditional Use approval.””.