HOWARD COUNTY OFFICE OF COUNTY EXECUTIVE
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November 6, 2026

The Honorable Opel Jones, Chair
Howard County Council
George Howard Building
3430 Court House Drive
Ellicott City, MD 21043

RE: Veto of Council Bill 59-2026, "Solar Collector Facilities – Review Required on Agricultural Land"

Dear Chair Jones and Members of the Council:

After careful review of Council Bill 59-2026, as amended, as well as consideration of public testimony, I wish to inform the County Council of my decision to veto CB59 pursuant to Charter Section 209 and based on the below objections. In sum, I have vetoed this bill because CB59 contradicts the State's 2025 Renewable Energy Certainty Act (RECA), it aggravates an uncertain investment climate potentially delaying or halting some $83 million in pending solar projects already well-advanced in the planning process, it adds superfluous requirements in areas where the County already retains sufficient authority to manage solar development on agricultural preservation parcels, and it could significantly undermine Howard County's energy independence and affordability just as our community struggles with skyrocketing energy costs.

First, the bill as amended appears inconsistent with the policy intentions of Maryland's 2025 Renewable Energy Certainty Act. RECA requires local jurisdictions to "process the site development plan application as a permitted use subject to the review standards in Subsection 4-205 of the Land Use Article." RECA classifies these projects (including 1–2 MW projects) as a "permitted use" rather than leaving them subject to discretionary approval. RECA Subsection 7-218(c)(1) establishes the specific approval pathway for the 1–2 MW tier solar projects: construction may proceed once "the local jurisdiction verifies that the proposed construction meets all of the site requirements under subsection (f)," i.e., a defined, objective checklist, not a discretionary process. RECA Subsection 7-218(h)(1)(i)–(ii) broadly bars local jurisdictions from adopting zoning laws that "prohibit the construction or operation" of solar stations, or from denying site plans that meet the Subsection (f) requirements. This means that discretionary denial authority isn't available for projects found to comply with RECA's standardized site design requirements. If CB59 is enacted and challenged, the County may have to defend an ordinance that a court could ultimately strike down. With continued uncertainty that would likely ensue through a protracted legal challenge, this bill would put at risk more than a dozen pending solar projects valued at more than $83 million.

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Second, CB59 was approved at a precarious time for solar projects across our county, state, and nation. CB59 could deal a fatal and irreversible blow to as many as 20 pending projects, posing significant financial risks amounting to more than $40 million. By creating an environment of continued uncertainty – perhaps exacerbated by a protracted legal challenge – financing for pending projects may be frozen or withdrawn altogether. This could effectively halt pending solar projects, including several that are already well-advanced at "Approved" or "Technically Complete" stage.

Recent federal tax law changes have compressed the runway for solar projects to qualify for the federal investment tax credit to a hard December 31, 2027 deadline, with no extensions. The County's fiscal analysis identified nearly $25 million in federal tax credits at risk due to project delays that may arise from CB59. That preliminary estimate is a floor, not a ceiling, since it did not include additional costs resulting from investor withdrawal, grant risk, and state Net Energy Metering deadline losses.

Moreover, by potentially delaying or thwarting proposed solar development across 270 acres of agricultural land, the uncertainty and likely delays resulting from CB59 could deprive local farmers of predictable income streams totaling about $16 million over 25 years. This bill also could harm the county's workforce. Every project supports electricians, installers, technicians, and contractors. A construction freeze becomes a hiring freeze for a workforce trying to enter family-sustaining trades in the clean energy industry.

Third, CB59's requirements are superfluous because the County already has the regulatory tools this bill erroneously asserts are missing. The Department of Planning and Zoning's (DPZ) July 2025 policy memo already explains RECA's requirements in detail and already provides most of what CB59's requested report would produce. The policy memo is explicit that RECA does not change the County's processes for ECP submission, Alternative Compliance, stormwater management, and forest conservation requirements. Moreover, the policy memo makes clear that the County already retains meaningful authority over parcels enrolled in its Agricultural Land Preservation Program (ALPP). The DPZ policy memo lays out RECA's 1-5 MW standards in granular, specific detail: exact setback distances, fencing specifications, visual buffer width and planting requirements, bond percentages and release schedules, and terms for decommissioning. The Administration does not anticipate needing additional staff to manage RECA implementation and we retain sufficient authority to handle these issues without the need for a report or further County Council action. The claim that County staff and the public are too confused about the applicable rules for processing solar project applications is contradicted by the existence of a detailed policy memo issued some 14 months before CB59 was introduced.

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Fourth, by delaying and thus potentially thwarting commercial solar development, CB59 could significantly undermine our energy independence and affordability as skyrocketing energy costs negatively impact Howard County residents and businesses. It would also undermine local climate progress as the climate crisis is worsening. CB59 would foster greater uncertainty and potential delays for project developers and financiers. This may consume the dwindling time available to implement cost effectively many solar projects that would improve our energy independence and affordability. Deploying solar generation reduces our reliance on distant, congested transmission infrastructure and external energy sources — consistent with, not contrary to, our energy independence aspirations. PJM has warned of capacity shortfalls and reliability risk across its 13-state region, including Maryland. Locally-sited solar electricity generation reduces line losses, adds voltage support, and diversifies points of failure for the specific communities it serves — precisely the kind of resource regional grid strain calls for more of, not less. Local solar reduces grid strain during extreme demand — a benefit CB59 would delay for Howard County residents.

This comes amid the upward spiral of energy costs and concerns over regional grid reliability during peak demand that make locally-sited clean energy generation more valuable and timely, not less. Community solar projects committed to serving low- and moderate-income subscribers would be delayed, working against energy-affordability goals for exactly the households who benefit most from lower utility bills and precisely at a time of significant energy cost increases.

Maryland's solar generation target under its Renewable Portfolio Standard (RPS) requires 14.5% of electricity from in-state solar by 2030. The state is currently at roughly 7.7% — approximately halfway there. Creating greater uncertainty around commercial solar projects slows progress to meet time-bound state and local goals. Howard County's June 2023 Climate Forward plan commits us to deploying 437 MW of solar energy generation by 2030, which would help the State attain its solar goals and the County reach its goal of reducing climate pollution by 60% by 2030. At 181 MW today, we are roughly 41% of the way to that goal. Fulfilling the County's climate commitments depends on exactly the kind of solar deployment that would be effectively thwarted by the uncertainty and delays CB59 would inject into the energy market.

Fifth, this bill risks undermining the long-term health of Howard County's agricultural sector, slowing projects that would benefit the long-term preservation and sustainability of Howard County's farming operations. As public testimony revealed, CB59 may slow progress on several agrivoltaic projects that pair active farming with solar development for 25–30 years on agricultural land, even though they directly serve farmland-preservation goals espoused by CB59 proponents. Moreover, the bill's imprecise definition of solar energy facilities could also halt progress on rooftop and parking-canopy solar projects that may involve no disturbance to agricultural land.

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Based on the above stated reasons and pursuant to Charter Section 209, I wish to inform the County Council of my decision to veto CB59. During the last eight years, our record of strong support for Howard County's agricultural community demonstrates a deep committment to protecting Howard County's agricultural heritage. Unfortunately, CB59 does not serve Howard County's agricultural preservation interests, nor does it serve our goals for energy independence, reliability, and affordability. Thank you for your continued partnership and service in support of our Howard County community.

Sincerely,



Calvin Ball
Howard County Executive