

Introduced 10/5/16
Public Hearing 10/17/16
Council Action 11/9/16
Executive Action 11/14/16
Effective Date 1/14/17

County Council of Howard County, Maryland

2016 Legislative Session

Legislative Day No. 16

Bill No. 68-2016

Introduced by: The Chairperson at the request of the County Executive

AN ACT amending the duties and responsibilities of the Agricultural Land Preservation Board;
and generally relating to the Agricultural Land Preservation Board.

Introduced and read first time October 5, 2016. Ordered posted and hearing scheduled.

By order

Jessica Feldmark
Jessica Feldmark, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on October 17, 2016.

By order

Jessica Feldmark
Jessica Feldmark, Administrator

This Bill was read the third time on November 9, 2016 and Passed , Passed with amendments , Failed .

By order

Jessica Feldmark
Jessica Feldmark, Administrator

Sealed with the County Seal and presented to the County Executive for approval this 12th day of November, 2016 at 5 a.m./p.m.

By order

Jessica Feldmark
Jessica Feldmark, Administrator

Approved Vetoed by the County Executive Nov 14, 2016

Allan H. Kittleman
Allan H. Kittleman, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN SMALL CAPITALS indicates additions to existing law; Strike-out indicates material deleted by amendment; Underlining indicates material added by amendment

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

3 *By amending Title 15 "Natural Resources"*
4 *Section 15.518 "Agricultural Land Preservation Board"*
5 *Subsection (h)*

6
7 **Title 15. Natural Resources.**

8 **Subtitle 5. Agricultural Land Preservation.**

9
10 **Section 15.518. Agricultural Land Preservation Board.**

11 (h) *Duties and Responsibilities.* The Board shall:

- 12 (1) Make recommendations to the County Executive AND COUNTY COUNCIL on the
13 acquisition of AGRICULTURAL LAND PRESERVATION easements as provided in this
14 subtitle[.];
- 15 [(2) Review proposals for the location of permitted lots and the construction of tenant
16 housing on land subject to an agricultural land preservation easement.
- 17 (3) Review proposals for proposed subdivisions on land subject to an agricultural
18 land preservation easement.]]
- 19 (2) RECOMMEND TO THE COUNTY EXECUTIVE AND THE COUNTY COUNCIL THE
20 CRITERIA AND METHOD FOR CALCULATING THE PRICE FOR PURCHASE OF AN
21 AGRICULTURAL LAND PRESERVATION EASEMENT;
- 22 (3) IN ACCORDANCE WITH THE TERMS OF THE DEED OF EASEMENT AND THIS SUBTITLE,
23 REVIEW AND MAKE RECOMMENDATIONS ON:
- 24 (I) PROPOSALS FOR THE LOCATION OF PERMITTED LOTS AND DWELLINGS;
25 (II) PROPOSALS FOR THE CONSTRUCTION OF TENANT HOUSING; AND
26 (III) PROPOSALS FOR PARCEL SUBDIVISION OF THE LAND;
- 27 (4) REVIEW AND MAKE RECOMMENDATIONS ON AGRICULTURAL LAND PRESERVATION
28 PROGRAM POLICY, AND AGRICULTURAL POLICY IN GENERAL;
- 29 (5) SERVE IN AN ADVISORY CAPACITY TO THE DEPARTMENT OF PLANNING AND ZONING
30 AND COUNTY COUNCIL ON AGRICULTURAL ISSUES, INCLUDING THE EVALUATION OF

1 ZONING RELATED COMPLAINTS, BASED ON THE BOARD'S KNOWLEDGE OF COMMON
2 AND ACCEPTABLE FARMING PRACTICES; AND

3 (6) REVIEW AND MAKE RECOMMENDATIONS ON COMMERCIAL SOLAR FACILITY
4 CONDITIONAL USES AS PROVIDED IN THE HOWARD COUNTY ZONING
5 REGULATIONS; AND

6 [[(4) Make recommendations to the County Executive concerning its budget and
7 appropriations requests.]]

8 ([[5]]67) Report annually on the status of the program to the County Executive and
9 the County Council.

10 [[(6) Recommend to the County Executive and the County Council the criteria and
11 method for calculating the price for purchase of an agricultural land preservation
12 easement.

13 (7) Solicit donations of funds to be used in this program from all appropriate sources
14 and to solicit donations of easement on land.]]

15
16 ***Section 2. And Be It Further Enacted by the County Council of Howard County, Maryland that***
17 ***this Act shall become effective 61 days after its enactment.***

Amendment 1 to Council Bill 68-2016

BY: Mary Kay Sigaty

Legislative Day No: 18
Date: 11/9/16

Amendment No. 1

1 (This amendment adds the County Council to the list of recipients which will receive
2 recommendations acquisition on agricultural land preservation easements).
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6 On page 1, in line 12, after "Executive", insert "AND COUNTY COUNCIL".
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8 On page 1, in line 28, after "Zoning", insert "AND COUNTY COUNCIL".
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ADOPTED 11/9/16
FAILED _____
SIGNATURE Jessica Addman

Amendment 2 to Council Bill 68-2016

BY: Mary Kay Sigaty

Legislative Day No: 18
Date: 11/9/16

Amendment No. 2

1 (This amendment adds the Board's role of making recommendations on Commercial Solar
2 Facilities to the list of Duties and Responsibilities).
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6 On page 2, in line 1, after the semi-colon, strike "AND". On the same page, immediately
7 following line 1, insert the following:

8 "(6) REVIEW AND MAKE RECOMMENDATIONS ON COMMERCIAL SOLAR FACILITY CONDITIONAL
9 USES AS PROVIDED IN THE HOWARD COUNTY ZONING REGULATIONS; AND"
10

11 Also, on page 2, in line 4, strike the "6" and substitute "7".
12
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ADOPTED

11/9/16

FILED

SIGNATURE

Jessica Feldman

Introduced _____
Public Hearing _____
Council Action _____
Executive Action _____
Effective Date _____

County Council of Howard County, Maryland

2016 Legislative Session

Legislative Day No. 16

Bill No. 68 -2016

Introduced by: The Chairperson at the request of the County Executive

AN ACT amending the duties and responsibilities of the Agricultural Land Preservation Board;
and generally relating to the Agricultural Land Preservation Board.

Introduced and read first time _____, 2016. Ordered posted and hearing scheduled.

By order _____
Jessica Feldmark, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on _____, 2016.

By order _____
Jessica Feldmark, Administrator

This Bill was read the third time on _____, 2016 and Passed ____, Passed with amendments ____, Failed ____.

By order _____
Jessica Feldmark, Administrator

Sealed with the County Seal and presented to the County Executive for approval this ___ day of _____, 2016 at ___ a.m./p.m.

By order _____
Jessica Feldmark, Administrator

Approved/Vetoed by the County Executive _____, 2016

Allan H. Kittleman, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN SMALL CAPITALS indicates additions to existing law; Strike-out indicates material deleted by amendment; Underlining indicates material added by amendment

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5 Subsection (h)

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7 **Title 15. Natural Resources.**

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10 **Section 15.518. Agricultural Land Preservation Board.**

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- 28 (5) SERVE IN AN ADVISORY CAPACITY TO THE DEPARTMENT OF PLANNING AND ZONING
29 ON AGRICULTURAL ISSUES, INCLUDING THE EVALUATION OF ZONING RELATED
30 COMPLAINTS, BASED ON THE BOARD'S KNOWLEDGE OF COMMON AND ACCEPTABLE

1 FARMING PRACTICES; AND

2 [[(4) Make recommendations to the County Executive concerning its budget and
3 appropriations requests.]]

4 ([[5]]6)Report annually on the status of the program to the County Executive and the
5 County Council.

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7 method for calculating the price for purchase of an agricultural land preservation
8 easement.

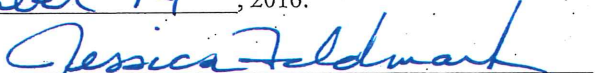
9 (7) Solicit donations of funds to be used in this program from all appropriate sources
10 and to solicit donations of easement on land.]]

11
12 *Section 2. And Be It Further Enacted by the County Council of Howard County, Maryland that*
13 *this Act shall become effective 61 days after its enactment.*

BY THE COUNCIL

This Bill, having been approved by the Executive and returned to the Council, stands enacted on

November 14, 2016.



Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, having been passed by the yeas and nays of two-thirds of the members of the Council notwithstanding the objections of the Executive, stands enacted on _____, 2016.

Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, having received neither the approval nor the disapproval of the Executive within ten days of its presentation, stands enacted on _____, 2016.

Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, not having been considered on final reading within the time required by Charter, stands failed for want of consideration on _____, 2016.

Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, having been disapproved by the Executive and having failed on passage upon consideration by the Council stands failed on _____, 2016.

Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, the withdrawal of which received a vote of two-thirds (2/3) of the members of the Council, is withdrawn from further consideration on _____, 2016.

Jessica Feldmark, Administrator to the County Council

Amendment 1 to Council Bill 68-2016

BY: Mary Kay Sigaty

Legislative Day No: 17

Date: 11/7/16

Amendment No. 1

1 *(This amendment adds the County Council to the list of recipients which will receive*
2 *recommendations acquisition on agricultural land preservation easements).*

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6 On page 1, in line 12, after “Executive”, insert "AND COUNTY COUNCIL".

7

8 On page 1, in line 28, after “Zoning”, insert "AND COUNTY COUNCIL".

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Amendment 2 to Council Bill 68-2016

BY: Mary Kay Sigaty

Legislative Day No: 17
Date: 11/7/16

Amendment No. 2

1 *(This amendment adds the Board's role of making recommendations on Commercial Solar*
2 *Facilities to the list of Duties and Responsibilities).*

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6 On page 2, in line 1, after the semi-colon, strike "AND". On the same page, immediately
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9 USES AS PROVIDED IN THE HOWARD COUNTY ZONING REGULATIONS; AND"

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Also, on page 2, in line 4, strike the "6" and substitute "7".




Howard County

Agricultural Land Preservation Program

MEMORANDUM

Subject: Testimony for Amendments to Section 15.518(h) of the Howard County Code

To: Lonnie Robbins, Chief Administrative Officer, Department of Administration

From: Amy Gowan, Deputy Director, Department of Planning and Zoning 

Date: September 27, 2016

The Department of Planning and Zoning (DPZ) supports Council Bill No. 68-2016. This bill amends Section 15.518(h) of the Howard County Code, which establishes the duties and responsibilities of the Agricultural Land Preservation Board (ALPB). Most of the proposed changes reflect the Board's current responsibilities and are "housekeeping" measures which reorganize text and remove duties no longer performed.

However, sub-sections (4) and (5) propose substantive amendments which would expand the role of the ALPB to provide policy guidance on both the ALPP Program and general agricultural issues. Item #4 codifies a duty the ALPB currently performs in practice. On occasion, the ALPB assists DPZ with policy creation and/or refinement regarding implementation of the Program. For example, the ALPB has created policies for siting forest conservation and wetland mitigation overlay easements on agricultural preservation properties. The input from the ALPB members, particularly those that actively farm, is instrumental in crafting best management practices on ALPP properties.

Item #5 expands the role of the ALPB to advise DPZ on agricultural issues and zoning related complaints that impact the farming community. The ALPB is uniquely positioned to provide guidance to DPZ given their personal and in depth knowledge of common farming practices. DPZ regularly works on issues that affect the agricultural community and the expertise of the Board would be beneficial to staff's evaluation.

This bill has no fiscal impact. DPZ appreciates Council's consideration of Council Bill No. 68-2016 and hopes that it is approved.

cc: Jennifer Sager, Legislative Coordinator, Department of Administration
Valdis Lazdins, Director, Planning and Zoning
Lisa O'Brien, Senior Assistant County Solicitor, Office of Law
Joy Levy, Agricultural Preservation Program Manager