

Circuit Court for Howard County
Case No. C-13-CV-23-000161

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND*

No. 1126

September Term, 2024

IN THE MATTER OF DOROTHY
TITHERINGTON, ET AL.

Wells, C.J.,
Beachley,
Eyler, James R.
(Senior Judge, Specially Assigned),

JJ.

Opinion by Eyler, J.

Filed: November 6, 2025

*This is an unreported opinion. This opinion may not be cited as precedent within the rule of stare decisis. It may be cited for its persuasive value only if the citation conforms to Rule 1-104(a)(2)(B).

This appeal concerns the interplay between the Howard County Code governing agricultural preservation easements and the Howard County zoning regulations governing the use of commercial solar facilities on land subject to an agricultural preservation easement. In 2021, KDC Solar HR Streetlights, LLC (“KDC”) filed a petition with the Howard County zoning authority seeking permission to construct a commercial solar facility at 13825 Howard Road in Howard County (the “Subject Property”). At the time, the Subject Property was encumbered by an agricultural preservation easement, which was created in 1991. The zoning authority ultimately approved the petition pursuant to the Howard County zoning regulations in place at the time the petition was filed.

Following the zoning authority’s decision, several adjacent property owners – Dorothy Titherington, Devin Keeny, Roy Keeny, and Sharon Keeny (collectively “Appellants”) – filed a *de novo* appeal in the Howard County Board of Appeals (the “Board of Appeals”). Appellants argued that, pursuant to the Howard County Code governing agricultural preservation easements, the zoning authority was required to apply the zoning regulations as they existed in 1991, when the easement was created. According to Appellants, the zoning regulations in effect in 1991 did not permit commercial solar facilities on land subject to an agricultural preservation easement. The Board of Appeals ultimately rejected Appellants’ argument and granted KDC’s petition. Appellants thereafter sought judicial review in the Circuit Court for Howard County. After the circuit court affirmed the Board of Appeals’ decision, Appellants noted the instant appeal.

In this appeal, Appellants present a single question for our review. For clarity, we have rephrased that question as:

Did the Board of Appeals err as a matter of law in granting KDC’s petition based on the zoning regulations as they existed at the time the petition was filed?

For reasons to follow, we hold that the Board of Appeals did not err. Accordingly, we affirm the judgment of the circuit court.

BACKGROUND

Agricultural Land Preservation in Howard County – Relevant Law

The statutory scheme governing agricultural land preservation easements can be found in Title 15, Subtitle 5 of the Howard County Code (“HCC”). The statutory scheme is administered by the Howard County Office of Agriculture, which is governed by the Department of County Administration. HCC §§ 6.201 and 6.401.

The statutory scheme was enacted in 1977 as part of the County’s declared policy to conserve and protect agricultural lands “for the production of food and other agricultural products” and “as valued natural and ecological resources[.]” C.B. 1, 1977 Howard Cnty. Legis. Sess.; *see also* HCC § 15.501 (1977). The purpose of the law was “to provide a means by which agricultural land may be protected and enhanced as a viable segment of the county’s economy and as an environmental resource of major importance.” C.B. 1, 1977 Howard Cnty. Legis. Sess.; *see also* HCC § 15.501 (1977)

The new law empowered the County Executive to acquire “development rights” in certain land throughout the County. HCC § 15.503 (1977). The acquisition acted as an easement on the landowner’s property, such that the landowner was prevented from developing the property for “all purposes or in any fashion except those which are related directly to or as an accessory use of the premises for farming and agricultural purposes.”

C.B. 1, 1977 Howard Cnty. Legis. Sess. The law set forth the process by which land would be accepted into the program, as well as the criteria for eligibility in the program. HCC § 15.501, *et seq.* (1977). The law also established an Agricultural Land Preservation Board. HCC § 15.504 (1977). The Agricultural Land Preservation Board’s responsibilities included making recommendations to the County Executive on the purchase of agricultural easements and reporting on the status of the program to the County Executive and the County Council. HCC § 15.505 (1977).

By the early 1990s, the Howard County Council had amended the law several times. *See* C.B. 13, 1978 Howard Cnty. Legis. Sess.; C.B. 25, 1979 Howard Cnty. Legis. Sess.; C.B. 20, 1981 Howard Cnty. Legis. Sess.; C.B. 3, 1985 Howard Cnty. Legis. Sess.; C.B. 49, 1986 Howard Cnty. Legis. Sess.; C.B. 3, 1988 Howard Cnty. Legis. Sess.; C.B. 9, 1989 Howard Cnty. Legis. Sess. In addition to expanding the responsibilities and authority of the County Executive and the Agricultural Land Preservation Board, *see* HCC §§ 15.503 and 15.504 (1992), the Council had refined the criteria for eligibility in the program, which included the establishment of “Agricultural Preservation Districts” throughout the County. HCC § 15.506 (1992); *see also* HCC § 15.601, *et seq.* (1992). The Council also implemented express restrictions on how easements acquired by the County could be subdivided for dwelling purposes and the types and numbers of dwellings permitted. HCC § 15.509 (1992).

In 1993, the Howard County Council enacted the “Howard County Agricultural Land Preservation Act,” which repealed Title 15, Subtitle 5 of the Howard County Code and replaced it with a new Subtitle 5, also titled “Agricultural Land Preservation.” C.B. 10,

1993 Howard Cnty. Legis. Sess. Although the amended version contained significant changes, the primary function of the law – to set forth the procedures and criteria for the County’s acquisition of land to be included in the agricultural land preservation program – remained the same. *Id.* The amended law included two relevant sections regarding agricultural land preservation easements acquired by the County prior to the effective date of the Act. *Id.* The first section, HCC § 15.501, stated:

Except as expressly provided in this subtitle, the provisions of this subtitle do not apply to agricultural land preservation easements acquired by the county or districts established before the effective date of this act. The law in effect at the time an easement was acquired will continue to govern easements acquired before the effective date of this act.

HCC § 15.501 (1993).

The other relevant section, HCC § 15.520, included similar language:

Except as specifically provided in this subtitle, the laws in effect prior to the effective date of this act governing the use of parcels subject to an agricultural preservation easement, including the types and number of dwellings and the potential for subdivision, shall continue to govern all parcels which were subject to an agricultural land preservation easement prior to the effective date of this act.

HCC § 15.520 (1993).

In 2018, the Howard County Council recodified HCC § 15.520 as HCC § 15.519 and removed the language contained in HCC § 15.501. C.B. 63, 2018 Howard Cnty. Legis. Sess. The recodified HCC § 15.519 was identical to HCC § 15.520, except that “effective date of this act” was changed to “May 1, 1993.” *Id.*

The Subject Property’s Inclusion in the Agricultural Land Preservation Program

In 1991, prior to the Howard County Council’s 1993 overhaul of the Agricultural Land Preservation statutory scheme, Howard County acquired the development rights to the Subject Property for inclusion in the agricultural land preservation program. That acquisition was memorialized by a Deed of Easement recorded in the Land Records for Howard County. The Deed of Easement included the following relevant language:

A. Subject to the reservations hereinafter contained, the Grantor covenants, grants and relinquishes the right to develop the Land for any purpose, except those which are related directly to or as an accessory use of the premises for farming and agricultural purposes (“Development Rights”). Development Rights include, but are not limited to, the right to develop the Land for use in the following manner:

- (1) industrial or commercial uses;
- (2) multifamily or single-family attached dwelling units;
- (3) display of signs, billboards or other similar advertising structures, except that regulations may be adopted by the County Council or its designee to permit the limited use of such structures in conjunction with the lawful existing use of the affected property;
- (4) subdivision for residential uses, except as provided in paragraph B; and
- (5) storage or depository of trash, junk, rubbish or debris.

Howard County Zoning Regulations, the Subject Property, and Commercial Solar Facilities

Zoning matters in Howard County are generally administered by the Department of Planning and Zoning. HCC § 6.201. Under Title 16, Subtitle 8 of the County Code, the

Department of Planning and Zoning is responsible for establishing zoning districts and administering and enforcing zoning regulations.

At all times relevant, the Subject Property has been zoned in a rural conservation district pursuant to the relevant Howard County Zoning Regulations (“HCZR”). Rural conservation districts were established to conserve farmland and encourage agricultural activities. HCZR § 104.1 (added by Zoning Board Case No. 928 – September 18, 1992); *see also* HCZR § 104.0 (2025).

Prior to 1993, property zoned in a rural conservation district could be used, as a matter of right, for agricultural purposes. HCZR § 104.1. Such properties could also be used for other purposes, subject to approval by the Board of Appeals. HCZR § 126.F (added by Zoning Board Case No. 928 – September 18, 1992). The zoning regulations included an extensive list of conditional uses that were permissible on property in a rural conservation district. *Id.* Commercial solar facilities were not included on that list. *Id.* Aside from those provisions, the regulations were devoid of any relevant language to indicate how land subject to an agricultural preservation easement could be conditionally used.¹ *Id.*

In 2012, the regulation governing conditional uses of property – HCZR § 131 – was amended to permit the conditional use of commercial solar facilities in rural conservation districts. C.B. 39, 2012 Howard Cnty. Legis. Sess. That amendment included express language stating that commercial solar facilities were not permitted on land that was in the

¹ At the time, HCZR § 126.F did include a few references to agricultural preservation easements, but none of those references related to the Subject Property.

agricultural land preservation program or that was otherwise encumbered by any environmental preservation easement. *Id.*

By 2014, the Howard County Council had adopted a specific regulation dealing with “County Preservation Easements,” which was codified in HCZR § 106.1. C.B. 21, 2014 Howard Cnty. Legis. Sess. That regulation stated that conditional uses “shall not be allowed on agricultural preservation easements unless they support the primary agricultural purpose of the easement property, or are an ancillary business which supports the economic viability of the farm, and are approved by the hearing authority in accordance with the applicable [zoning regulations.]” *Id.* The regulation limited the size of the area that could be devoted to the conditional use, and it included a list of conditional uses that “may be allowed[.]” *Id.* Although commercial solar facilities were included on that list, HCZR § 131 still did not permit commercial solar facilities on land that was in the agricultural land preservation program or that was otherwise encumbered by any environmental preservation easement. *Id.*

In 2016, the Howard County Council amended both HCZR § 106.1 and HCZR § 131 to permit commercial solar facilities on land subject to agricultural preservation easements. C.B. 59, 2016 Howard Cnty. Legis. Sess. The County Council explained that the amendment would support the County’s plan to promote conservation and renewable resources. *Id.* The Council added that the County’s agricultural industry was “strong” and that permitting commercial solar facilities on farmland would ensure that the County’s farms remained economically viable and would encourage “diversifying farms’ production to the benefit of both farmers and County residents.” *Id.*

The Instant Case

In 2021, KDC filed a “Conditional Use Petition” with the Howard County Hearing Authority. KDC was seeking to construct a commercial solar facility on the Subject Property. The petition was ultimately approved by the Howard County Board of Appeals Hearing Examiner.

Shortly thereafter, Appellants filed an appeal with the Board of Appeals, requesting a *de novo* review of KDC’s petition. As part of that appeal, Appellants filed a “Preliminary Motion for Summary Denial of the Conditional Use With Appendix.” In that motion, Appellants argued that the current zoning regulations, which permitted the construction of commercial solar facilities on land subject to an agricultural preservation easement, did not apply to the Subject Property. Citing HCC § 15.519, Appellants argued that, because the agricultural preservation easement encumbering the Subject Property was acquired prior to May 1, 1993, the Board of Appeals was required to apply “the laws” in effect prior to that date. Appellants argued that those “laws” included the zoning regulations, which meant that the Board of Appeals was required to apply the zoning regulations in effect prior to May 1, 1993. Appellants argued that, under the zoning regulations in effect prior to that date, commercial solar facilities were not allowed on the Subject Property. Appellants argued, therefore, that the Board of Appeals should deny KDC’s petition.

Following a *de novo* hearing, the Board of Appeals granted KDC’s petition and issued a detailed written opinion. In that opinion, the Board of Appeals stated that it had considered Appellants’ preliminary motion and determined that the motion was “without merit.”

The Board of Appeals, in its written opinion, went on to make various findings of fact and conclusions of law based on KDC’s petition, the evidence presented, and the relevant statutory and regulatory criteria. Among those findings, the Board of Appeals noted that the Agricultural Preservation Board had evaluated KDC’s petition to provide advisory comments regarding, among other things, whether the proposed commercial solar facility “supports the primary agricultural purpose of the easement property or is an ancillary business which supports the economic viability of the farm.” The Board of Appeals further noted that, aside from two minor issues not relevant here, the Agricultural Preservation Board did not have any objection to KDC’s proposed solar facility.

Following the Board of Appeals’ decision, Appellants filed a petition for judicial review in the circuit court. Appellants argued that the Board of Appeals erred as a matter of law in granting KDC’s petition because, pursuant to HCC § 15.519, the Board of Appeals should have applied the zoning regulations from 1991, when the agricultural land preservation easement on the Subject Property was created. The court ultimately disagreed and affirmed the Board of Appeals’ decision. The court found that the approval or denial of a conditional use petition had no effect on the enforceability or applicability of an easement and that the interpretation and application of the Agricultural Land Preservation Program was outside the Board of Appeals’ purview.

This timely appeal followed. Additional facts will be supplied as needed below.

STANDARD OF REVIEW

“The overarching goal of judicial review of agency decisions is to determine whether the agency’s decision was made ‘in accordance with the law or whether it is

arbitrary, illegal, and capricious.” *Sugarloaf Citizens Ass’n v. Frederick Cnty. Bd. of Appeals*, 227 Md. App. 536, 546 (2016) (quoting *Long Green Valley Ass’n v. Prigel Fam. Creamery*, 206 Md. App. 264, 274 (2012)). In making that determination, “we take the same posture as the circuit court . . . and limit our review to the agency’s decision.” *Anderson v. Gen. Cas. Ins. Co.*, 402 Md. 236, 244 (2007). “[I]f we determine that the agency’s decision is based on an erroneous conclusion of law, no deference is given to those conclusions.” *Kenwood Gardens Condos., Inc., v. Whalen Props., LLC*, 449 Md. 313, 325 (2016). That said, “we accord a degree of deference to an agency’s decision involving the interpretation and application of a statute which that agency administers.” *Kim v. Bd. of Liquor License Comm’rs for Baltimore City*, 255 Md. App. 35, 46 (2022). “With regard to the agency’s factual findings, we do not disturb the agency’s decision if those findings are supported by substantial evidence.” *Sugarloaf*, 227 Md. App. at 546.

Because our analysis involves the interpretation of Maryland statutes, we also set forth the well-known rules of statutory construction. ““The paramount object of statutory construction is the ascertainment and effectuation of the real intention of the Legislature.”” *Andrews & Lawrence Pro. Servs., LLC v. Mills*, 467 Md. 126, 149 (2020) (quoting *Whiting-Turner Contracting Co. v. Fitzpatrick*, 366 Md. 295, 301 (2001)). “The starting point of any statutory analysis is the plain language of the statute[.]” *Kranz v. State*, 459 Md. 456, 474 (2018). ““If the language of the statute is unambiguous and clearly consistent with the statute’s apparent purpose, our inquiry as to legislative intent ends ordinarily and we apply the statute as written, without resort to other rules of construction.”” *Noble v. State*, 238 Md. App. 153, 161 (2018) (cleaned up) (quoting *Espina v. Jackson*, 442 Md. 311, 322

(2015)). If, on the other hand, words of a statute are ambiguous, ““a court must resolve the ambiguity by searching for legislative intent in other indicia, including the history of the legislation or other relevant sources intrinsic and extrinsic to the legislative process.”” *Id.* at 162 (cleaned up) (quoting *Espina*, 442 Md. at 322). In determining whether an ambiguity exists, we do not read the statute in a vacuum; rather, we review the statute’s plain language ““within the context of the statutory scheme to which it belongs, considering the purpose, aim, or policy of the Legislature in enacting the statute[.]”” *Id.* (cleaned up) (quoting *Espina*, 442 Md. at 322). ““In every case, the statute must be given a reasonable interpretation, not one that is absurd, illogical, or incompatible with common sense.”” *Id.* (cleaned up) (quoting *Espina*, 442 Md. at 322).

DISCUSSION

Parties’ Contentions

Appellants argue, as they did below, that the Board of Appeals committed legal error in granting KDC’s petition to build a commercial solar facility on the Subject Property pursuant to the zoning regulations in existence at the time the petition was filed. Appellants argue that, because the agricultural preservation easement on the Subject Property was acquired prior to May 1, 1993, the Board of Appeals was required, pursuant to HCC § 15.519, to apply “the laws in effect prior to May 1, 1993 governing the use of parcels subject to an agricultural preservation easement[.]” Appellants insist that those “laws” include the relevant zoning regulations, such that the Board of Appeals was required to consider KDC’s petition based on the zoning regulations as they existed prior to May 1,

1993. Appellants argue that, under those “laws,” commercial solar facilities were prohibited on the Subject Property.

KDC contends that Appellants’ argument fails for three reasons. First, KDC argues that the Board of Appeals’ sole task was to apply the Howard County zoning regulations, which are self-contained and do not incorporate or rely upon the Howard County Code, including HCC § 15.519. Second, KDC argues that, regardless, HCC § 15.519 does not prohibit commercial solar facilities on the Subject Property because the statute was not enacted to constrain the Howard County Council’s ability to alter the use of agricultural preservation easements through the relevant zoning regulations. Finally, KDC argues that the Board of Appeals did not have the authority to enforce the agricultural preservation easement.

Analysis

It is undisputed that the agricultural preservation easement encumbering the Subject Property was acquired prior to May 1, 1993. As discussed above, the statutory scheme governing agricultural preservation easements was amended in 1993, and the Howard County Council included a provision, now codified as HCC § 15.519, stating that “the laws in effect prior to May 1, 1993 governing the use of parcels subject to an agricultural preservation easement, including the types and number of dwellings and the potential for subdivision, shall continue to govern all parcels which were subject to an agricultural land preservation easement prior to” May 1, 1993. HCC § 15.519. Clearly, HCC § 15.519 is applicable to the Subject Property, in that “the laws in effect prior to May 1, 1993 governing the use of parcels subject to an agricultural preservation” would “continue to govern” the

Subject Property. Appellants argue that HCC § 15.519 essentially froze in time the Board of Appeals’ power over the Subject Property, such that the Board of Appeals was required to evaluate KDC’s petition based on the zoning regulations in existence prior to May 1, 1993. Appellants do not argue that KDC’s planned solar facilities violate the current zoning laws, nor do they argue that the Board of Appeals’ decision was unsupported by substantial evidence. The ultimate question here, then, is whether HCC § 15.519 prohibited, as a matter of law, the Board of Appeals from approving KDC’s planned solar facilities on the Subject Property.

Against that backdrop, and assuming without deciding that the Board of Appeals was empowered and obligated to interpret and enforce the easement and the agricultural preservation statutory scheme, we hold that the Board of Appeals did not err in granting KDC’s petition. To begin with, the record shows that KDC’s petition was compliant with the relevant language of both the easement and the statutory scheme. By executing the Deed of Easement, Howard County had acquired the “development rights” to the Subject Property. At the time the easement was created, the statutory scheme defined “development right” and “easement” as a restriction on a landowner’s right to develop land subject to an agricultural preservation easement for any purpose “except those which are related directly to or as an accessory use of the premises for farming and agricultural purposes.” HCC § 15.502 (1992). That same restriction was reflected in the Deed of Easement, which included identical language. According to the Board of Appeals’ written opinion, the Agricultural Preservation Board had engaged in a comprehensive review of KDC’s petition to determine whether the planned solar facility was “an ancillary business which supports

the economic viability of the farm” or “support[ed] the primary agricultural purpose of the easement property[.]” Based upon that review, the Agricultural Preservation Board had no notable objections to KDC’s petition, and the Board of Appeals considered and accepted that review in granting KDC’s petition. From that, it can be reasonably inferred that the Board, in accepting KDC’s petition, determined that the planned solar facility was “related directly to or as an accessory use of the premises for farming and agricultural purposes[.]” As such, we cannot say that the agricultural preservation easement prohibited the Board of Appeals from approving KDC’s planned solar facilities on the Subject Property, as the planned solar facilities were consistent with the express purpose of the easement. *See Bd. of Cnty. Comm’rs of St. Mary’s Cnty. v. Aiken*, 483 Md. 590, 620 (2023) (“Under an easement by reservation, ‘the land remains the property of the owner of the servient estate, and he is entitled to use it for any purpose that does not interfere with the easement.’” (quoting *Miller v. Kirkpatrick*, 377 Md. 335, 349 (2003))).

To the extent that the Board of Appeals’ interpretation and application of the agricultural preservation statutory scheme should have informed its interpretation and application of the relevant zoning regulations, we are not persuaded that the Board of Appeals erred. That is, we are not persuaded that the restrictions contained in HCC § 15.519 were intended to encompass the zoning regulations, such that the Board of Appeals was required to apply the zoning regulations as they existed prior to May 1, 1993.

As discussed, when the Howard County Council enacted the Howard County Agricultural Land Preservation Act (the “Act”) in 1993, it included two provisions concerning the applicability of the Act: HCC § 15.501 and HCC § 15.520. C.B. 10, 1993

Howard Cnty. Legis. Sess. The first provision, HCC § 15.501, stated, in relevant part, that “the provisions of this subtitle do not apply to agricultural land preservation easements acquired by the county . . . before the effective date of this act” and that “[t]he law in effect at the time an easement was acquired will continue to govern easements acquired before the effective date of this act.” HCC § 15.501 (1993). The second provision, HCC § 15.520, which would later become HCC § 15.519, stated, in relevant part, that “the laws in effect prior to the effective date of this act governing the use of parcels subject to an agricultural preservation easement . . . shall continue to govern all parcels which were subject to an agricultural land preservation easement prior to the effective date of this act.” HCC § 15.520 (1993).

From that plain language, we discern a clear legislative intent on the part of the Howard County Council to make HCC § 15.519 applicable solely to the changes made by the Act itself and not to any subsequent changes to other laws or regulations. To be sure, the Council’s reference to “the laws” in HCC § 15.519 could, theoretically, be construed as referring as all laws and regulations; however, that construction becomes considerably strained when we consider the language contained in HCC § 15.501. There, the Council emphasized that the changes made by the Act, *i.e.*, “the provisions of this subtitle,” were inapplicable to agricultural land preservation easements acquired by the County before the effective date of the Act. The Council followed that pronouncement by stating that “the law” in effect prior to the effective date of the Act would “continue” to govern all land that was subject to an agricultural preservation easement prior to the effective date of the Act. In other words, the Council was declaring that the changes made by the Act would only be

applicable to easements acquired after May 1, 1993, such that the previous version of the Act, *i.e.*, “the law,” would continue to govern easements acquired before that date. Consequently, we do not read the County’s subsequent reference to “the laws” in HCC § 15.519 as expanding the scope of the Act’s non-applicability provision. That language, like the language in HCC § 15.501, was clearly intended to limit the Act’s applicability to future agricultural preservation easements, such that agricultural easements acquired before the effective date of the Act would “continue” to be governed by “the laws,” *i.e.*, Title 15, Subtitle 5, in effect prior to the effective date of the Act.

Appellants’ insistence that “the laws” referred to all laws and regulations, though perhaps reasonable in a vacuum, is simply not supported by the plain language of the statutory scheme to which HCC § 15.519 belongs. Accepting Appellants’ position would require us to ignore the other relevant statutory language, which would result in a strained interpretation of the language and would significantly extend the statute’s application. *See Mohan v. State*, 257 Md. App. 65, 75 (2023) (“[W]e will not attempt to clarify a statute with forced or subtle interpretations that would either limit or extend the statute’s application.” (cleaned up)).

Appellants’ interpretation of HCC § 15.519 becomes even more strained when we consider the County Council’s clear intent to govern, generally, the conditional use of commercial solar facilities on land subject to an agricultural preservation easement through the zoning regulations and not the statutory scheme. As discussed, when the Act was first enacted in 1993, none of the relevant zoning regulations included any provisions to expressly indicate how the Subject Property, as land subject to an agricultural preservation

easement, could be conditionally used. HCZR § 126.F. Two decades later, the County Council adopted a specific zoning regulation – HCZR § 131 – that expressly prohibited commercial solar facilities on land that was in the agricultural land preservation program. C.B. 39, 2012 Howard Cnty. Legis. Sess. By 2014, the County Council had adopted a separate regulation – HCZR § 106.1 – that governed how county preservation easements, including agricultural preservation easements, could be used. C.B. 21, 2014 Howard Cnty. Legis. Sess. Two years later, the County Council amended both HCZR § 106.1 and HCZR § 131 to permit commercial solar facilities on land subject to agricultural preservation easements. C.B. 59, 2016 Howard Cnty. Legis. Sess. Despite all of those changes, at no point did the County Council reference HCC § 15.519 or otherwise indicate that the changes to the zoning regulations were inapplicable to agricultural preservation easements acquired prior to May 1, 1993.

Considering that in conjunction with our analysis of HCC § 15.519, we cannot accept Appellants’ interpretation of the statute. Appellants are essentially arguing that HCC § 15.519 prohibits the application of any law or regulation affecting land subject to an agricultural preservation easement if that law or regulation came into effect after May 1, 1993. Not only is that interpretation unsupported by the plain language of the statute, but it is wholly inconsistent with the County Council’s clear intent to govern, generally, the use of agricultural preservation easements via the zoning regulations. That is, we find it incongruous that the County Council would, through the Act, require that agricultural preservation easements be governed by only those laws and regulations in effect prior to the effective date of the Act, but then turn around and completely reshape, over the next

three decades, the regulations concerning how land subject to an agricultural preservation easement could be used. That result makes even less sense when we consider that the County Council omitted any notable reference to HCC § 15.519 or its limitations in its various changes to the zoning regulations. Had the County Council intended for HCC § 15.519 to be so sweeping, as Appellants argue, we would expect, at the very least, some acknowledgement of the statute or its effect by the Council in the zoning regulations. As it stands, Appellants’ interpretation of HCC § 15.519 cannot be reconciled with the County Council’s use of the zoning regulations to govern land subject to an agricultural preservation easement. *See Angel Enters. Ltd. P’ship v. Talbot Cnty.*, 474 Md. 237, 272 (2021) (“We will not adopt an interpretation that is flatly inconsistent with other statutory provisions that explicitly address [the same] subject matter.”).

In sum, we hold that the Board did not err in granting KDC’s petition based on the zoning regulations as they existed at the time the petition was filed. Accordingly, we affirm the judgment of the circuit court.

**JUDGMENT OF THE CIRCUIT COURT
FOR HOWARD COUNTY AFFIRMED;
COSTS TO BE PAID BY APPELLANTS.**