



House Bill 1257

Land Use – Clarifications and Corrections

MACo Position: **SUPPORT**
WITH AMENDMENTS

To: Environmental Matters Committee
From: Leslie Knapp Jr.

Date: February 28, 2013

The Maryland Association of Counties (MACo) **SUPPORTS** HB 1257 **WITH AMENDMENTS**. The bill would make numerous clarifications and several significant substantive changes to the re-codified Land Use Article that was adopted in 2012 as part of the State's code revision process.

During the course of the code revision process, the committee that is charged with rewriting and reformatting the code will also make a series of suggested corrections and clarifications, as well as more significant and substantive changes (known as "flags"). HB 1257 is a compilation of these corrections and flags.

While MACo believes that most of the bill's provisions are either beneficial or benign, several provisions raise concern. MACo is offering amendments that would strike two of the bill's provisions.

Elected Officials on Planning Commissions

HB 1257 repeals a provision allowing one member of a local legislative body to serve on a planning commission as an *ex officio* member. Many counties have an elected member serve in an *ex officio* capacity in order to provide better communication and coordination between the planning commission, which is charged with drafting and revising the comprehensive plan and the legislative body, which must review and accept or reject the plan.

MACo opposes the repeal of this longstanding and effective practice. The proposed amendment would restore existing law.

AMENDMENT NO. 1: On page 5, in line 4, strike "["; in the same line, strike "] A"; in line 5 strike the bracket; in lines 6 and 7 strike "] MAY NOT BE A MEMBER OF THE PLANNING COMMISSION"; in line 16 strike the bracket; and in line 17 strike the bracket.

Charter County Comprehensive Plan Requirements

The bill adds a new provision requiring a charter county that is located on the tidal waters of the State to designate the comprehensive plan areas that would facilitate commercial fishing and shell-fishing activities. This imposes a new comprehensive planning requirement on certain county governments and consistent with MACo's request for a 2-year "time out" on any new local land use mandates, MACo asks that the new requirement be deleted. The proposed amendment would strike the new requirement.

AMENDMENT NO. 2: On page 3, strike in their entirety lines 11 through 24, inclusive.

In conclusion, HB 1257 proposes many changes to the Land Use Article that MACo either supports or has no concern with. However, the prohibition on elected officials serving on planning commissions in an *ex officio* capacity and the new comprehensive plan requirements for charter counties would create new burdens on local governments. Accordingly, MACo requests the Committee is give HB 1257 a report of **FAVORABLE WITH AMENDMENTS**.