



BILL NO.: Senate Bill 532

TITLE: Department of Planning – State Development Plan – Use and Conflicts of Law

POSITION: **SUPPORT**

DATE: February 28, 2012

COMMITTEE: Education, Health, and Environmental Affairs

CONTACT: Leslie Knapp Jr.

The Maryland Association of Counties (MACo) **SUPPORTS** Senate Bill 532. The bill would clarify the scope and limits of the State Development Plan (aka PlanMaryland), in accordance with statements made by the Plan’s creators.

SB 532 provides that the Plan may not be used to establish a new cause for the State denial of projects, permits, or approvals, or deny mandated funding. The bill also provides that if there is a conflict between the Plan and a local government concerning the identification of growth, preservation, or other planning areas in the Plan, the Maryland Department of Planning (MDP) and the local government shall meet in good faith and seek to resolve the conflict. If the conflict is not resolved, then the comprehensive plan, zoning laws, and local land use ordinances shall govern.

From its earliest official correspondence regarding PlanMaryland, MACo has been “cautiously supportive” of the Plan.¹ However, MACo has also expressed concern about the Plan’s potential scope and breadth. Both Governor Martin O’Malley and Secretary of Planning Richard Hall have stated publicly that the Plan is about coordinating State resources and funding. However, MACo believes the final version of the Plan could eventually be expanded to become a litmus test for State permits and approvals. Hence, MACo supports statutory language that more clearly defines the stated purpose of the Plan.

MACo is also concerned over the State’s ability to designate planning areas in the Plan. Under the current law for Priority Funding Areas (PFAs), the PFAs are selected by the local governments according to criteria established in statute. MDP has no approval authority over a local government’s PFA selections, but may comment on the selections and if the difference in opinion over the PFA is broad enough, the State may withhold discretionary spending. MACo proposes the basic PFA system be used for the designation of PlanMaryland planning areas.

¹ MACo letter to MDP Secretary Richard Hall, August 9, 2010.

SB 532 does repeal or alter the major provisions of the Plan. Instead, the bill better defines the Plan's scope and role, providing county governments with a level of comfort that is lacking with the current version of the Plan. Accordingly, MACo recommends the Committee issue a **FAVORABLE** report on SB 532.