



Senate Bill 551

Land Use – Plans – Development and Adoption

MACo Position: **SUPPORT**
WITH AMENDMENTS

Date: March 10, 2015

To: Education, Health, and Environmental Affairs
Committee

From: Leslie Knapp, Jr.

The Maryland Association of Counties (MACo) **SUPPORTS SB 551 WITH AMENDMENTS**. The bill is intended to clarify the authority of the legislative body of a noncharter county or a municipality with land use authority to substantively amend a comprehensive plan submitted by that jurisdiction's planning commission. The bill would also increase the time period wherein a local legislative body must take action on a comprehensive plan submitted by a commission or else the plan is deemed adopted.

It is MACo's understanding that the Maryland Municipal League will be offering amendments that increase the bill's transparency by requiring that a public hearing be held by both a planning commission and a legislative body prior to adopting or modifying a plan. The amendments would also provide that a legislative body may adopt by resolution a single 60-day extension past the initial 90 days if there are exigent circumstances. MACo supports these amendments.

A local legislative body is elected by that jurisdiction's citizens to make decisions on a wide array of policy areas, such as taxes, the budget, public safety, and education funding. Land use is a core local issue and citizens rightfully hold their legislators responsible for comprehensive planning and zoning decisions. However, unlike the local legislative body, a planning commission consists of appointed members who are not directly accountable to a jurisdiction's citizenry.

Ultimately, the final authority over a comprehensive plan should rest with the elected local legislative body. Furthermore, charter county legislative bodies already possess the power to substantively amend comprehensive plans. SB 551 simply grants parity for noncharter counties and those municipalities with land use authority.

With the proposed amendments, SB 551 would properly vest final decision-making authority over comprehensive plans with an elected legislative body for noncharter counties and municipalities with land use authority and provide parity with the existing authority of charter county legislative bodies. The bill also creates reasonable time limits wherein a legislative body must take action on a comprehensive plan submitted by a planning commission or have it deemed adopted. Accordingly, MACo urges the Committee to adopt a report of **FAVORABLE WITH AMENDMENTS** for SB 551.