



Senate Bill 551

Land Use – Plans – Development and Adoption

MACo Position: **SUPPORT**

Date: March 31, 2015

To: Environment and Transportation Committee

From: Leslie Knapp, Jr.

The Maryland Association of Counties (MACo) **SUPPORTS** SB 551. 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.

As amended, the bill provides that a local legislative body may adopt, modify, remand, or disapprove all or part of a submitted comprehensive plan (including a plan for one or more geographic sections or divisions within the jurisdiction). The legislative body must hold a public hearing before adopting or modifying the plan. A planning commission must also hold a public hearing before submitting a new plan to a legislative body in response to a remand or disapproval.

The bill also requires a legislative body to approve, modify, remand, or disapprove a submitted plan within 90 days or else the plan is deemed adopted. The legislative body may extend the deadline one time by 60 days if there are exigent circumstances.

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.

As amended, 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 **FAVORABLE** report for SB 551.