



## Senate Bill 671

### *Land Use – Local Comprehensive Planning and Zoning Cycle*

MACo Position: **SUPPORT**  
**WITH AMENDMENTS**

To: Environmental Matters Committee  
From: Leslie Knapp Jr.

Date: March 28, 2013

The Maryland Association of Counties (MACo) **SUPPORTS SB 671 WITH AMENDMENTS.**

This bill adjusts the local comprehensive planning cycle to ten years, with an intermediate public process within each cycle. **MACo supports the bill, with consensus amendments agreed to by multiple stakeholders.**

The bill would move a local government's comprehensive planning and zoning cycle from a 6-year cycle to a 10-year cycle and, to the extent practicable, make the cycle coincide with the release of data from the United States decennial census. The transition schedule would be set by a workgroup formed by the Maryland Department of Planning (MDP), MACo, and the Maryland Municipal League.

The bill would also require a "check-up" at the five year point of a comprehensive plan's adoption – a local planning commission would have to include a narrative of the implementation status of the comprehensive plan as part of the annual report that local governments must submit to MDP. A jurisdiction would retain the right to amend its comprehensive plan or zoning at any point in time.

MACo has worked with involved stakeholders, including the Maryland Department of Planning, Maryland Municipal League, Chesapeake Bay Foundation, and the Home Builders, to further refine the amendments to SB 671 that were added by the Senate. The attached amendments represent a consensus between the stakeholders and MACo requests that they be incorporated into SB 671. This Committee has already expressed its intent to amend the House version of the bill, HB 409, in the same manner.









There are two primary reasons to move to a 10-year cycle. First, local comprehensive plans are largely based on data released by the census and it is only logical to better align comprehensive plan development with the release of the census data.

Second, given the significant number of new land use mandates and requirements that have been placed on counties since 2006 (see page 3 of the testimony), it has become increasingly difficult to meet the 6-year deadline while still complying with the new requirements and providing for an open

and public process. Additionally, county budget shortfalls and reductions in State aid have placed additional stresses on county planning department resources and staff. A 10-year cycle is more practical and realistic.

SB 671 would provide relief to county planning departments and better match the comprehensive planning cycle with the release of census data. Accordingly, MACo requests the Committee give SB 671 a report of **FAVORABLE WITH AMENDMENTS**.

## RECENT LAND USE MANDATES ON COUNTIES:

-  2006 New water resources element, municipal growth element, and priority preservation element [HB 1141 and HB 2]
-  2007 New stormwater management requirements [HB 786/SB 784]
-  2008 New critical area requirements [HB 1253]
-  2009 New planning visions, Smart Growth measures and indicators, and plan consistency requirements [HB 294/SB 273, HB 295/SB 276, and HB 297/SB 280]
-  2010 New transportation planning requirements [HB 1155]
-  2011 PlanMaryland [Executive Order 01.01.2011.22]
-  2012 New Growth Tiers and septic system restrictions [SB 236]
-  The Present – Chesapeake Bay and Local Waterway Total Maximum Daily Load requirements

AMENDMENTS TO SENATE BILL 671

(As approved by Stakeholders – MACo, MML, MDP, CBF, and Home Builders)

Elements of 5-Year Narrative

1-207.

~~(c)(6) FOR THE FIFTH YEAR~~ AT LEAST ONCE WITHIN THE 5-YEAR PERIOD AFTER THE ADOPTION DATE OF THE LOCAL JURISDICTION'S COMPREHENSIVE PLAN OR REVIEW BY THE LOCAL JURISDICTION OF A COMPREHENSIVE PLAN UNDER PART II OF SUBTITLE 4 OF THIS TITLE OR UNDER TITLE 3 OF THE ARTICLE, CONTAIN A NARRATIVE OF THE IMPLEMENTATION STATUS OF THE COMPREHENSIVE PLAN, INCLUDING:

(i) A SUMMARY OF THE DEVELOPMENT TRENDS CONTAINED IN THE PREVIOUS ANNUAL REPORTS FILED DURING THE PERIOD COVERED BY THE NARRATIVE;

(ii) THE STATUS OF COMPREHENSIVE PLAN IMPLEMENTATION TOOLS SUCH AS COMPREHENSIVE REZONING TO CARRY OUT THE PROVISIONS OF THE COMPREHENSIVE PLAN;

(iii) IDENTIFICATION OF ANY SIGNIFICANT CHANGES TO EXISTING PROGRAMS, ZONING ORDINANCES, REGULATIONS, FINANCING PROGRAMS, OR STATE REQUIREMENTS NECESSARY TO ACHIEVE THE VISIONS AND GOALS OF THE COMPREHENSIVE PLAN DURING THE REMAINING PLANNING TIMEFRAME;

(iv) IDENTIFICATION OF ANY STATE OR FEDERAL LAWS, REGULATIONS, OR REQUIREMENTS THAT HAVE IMPEDED LOCAL IMPLEMENTATION OF THE COMPREHENSIVE PLAN AND RECOMMENDATIONS TO REMOVE ANY IMPEDIMENTS;

(v) FUTURE LAND USE CHALLENGES AND ISSUES; AND

(vi) A SUMMARY OF ANY POTENTIAL UPDATES TO THE COMPREHENSIVE PLAN.

Uncodified Sections on Implementation

SECTION 2. AND BE IT FURTHER ENACTED THAT:

~~(a) — The Maryland Association of Counties, the Maryland Municipal League, and the Maryland Department of Planning shall form a stakeholders group to create a transition schedule for each local government that drafts a comprehensive plan to convert their comprehensive planning cycle from a 6-year cycle to a 10-year cycle.~~

~~(b) — The transition shall, to the extent practicable, coincide with the release of data from the United States decennial census and allow a local jurisdiction access to that data at the beginning of the local jurisdiction's comprehensive plan review process.~~

~~(c) — On or before December 1, 2015, the stakeholders group shall submit a proposed transition schedule, in accordance with § 2-1246 of the State Government Article, to the Senate Education, Health, and Environmental Affairs Committee and the House Environmental Matters Committee.~~

(a) The Department of Planning along with the Maryland Association of Counties and the Maryland Municipal League shall create a schedule to transition the comprehensive planning cycle of each local jurisdiction that adopts a comprehensive plan from a 6-year cycle to a 10-year cycle.

(b) The transition schedule shall, to the extent practicable:

(i) coincide with the release of data from the United States decennial census; and

(ii) allow a local jurisdiction access to the census data at the beginning of the local jurisdiction's comprehensive plan review process.

(c) The Department of Planning shall submit a proposed transition schedule to the Senate Education, Health, and Environmental Affairs Committee and the House Environmental Matters Committee on or before December 1, 2015.

SECTION 3. AND BE IT FURTHER ENACTED, That:

(a) If a local jurisdiction chooses to adopt growth tiers under Title 1, Subtitle 5 of the Land Use Article, and notwithstanding § 1-509 of the Land Use Article as enacted by this Act, a local jurisdiction that, as of the effective date of this Act, has not incorporated the growth tiers into the comprehensive plan shall incorporate the growth tiers at the time that the local jurisdiction was scheduled to conduct its 6-year review of the comprehensive plan in accordance with § 1-509 of the Land Use Article as it was in effect on July 1, 2012.

(b) If a local jurisdiction adopts a growth tier but does not incorporate the growth tier into the comprehensive plan or element of the plan in accordance with this section, the growth tier will not be considered adopted for purposes of § 9-206 of the Environment Article.

(c) This Act may not be construed as requiring a local jurisdiction to adopt, amend, or repeal growth tiers under Title 1, Subtitle 5 of the Land Use Article.

(d) Except as provided in (a) of this section, a local jurisdiction shall comply with Title 1, Subtitle 5 when adopting the growth tiers.

SECTION 4. AND BE IT FURTHER ENACTED, That nothing in this Act prohibits a local jurisdiction from amending its comprehensive plan, zoning laws, or any other land use ordinance or regulation at any time.

SECTION 35. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2013.