



Maryland DEPARTMENT OF PLANNING

February 13, 2023

The Honorable Senator Brian J. Feldman
Chairman
Senate Education, Energy, and the Environment Committee
2 West Miller Senate Office Building
11 Bladen Street
Annapolis, MD 21401

RE: SB0294 - Comprehensive Plan - Implementation and Review in Priority Funding Areas

Dear Chairman Feldman:

I am writing to provide you some additional background information on the potential impact that SB0294 - Comprehensive Plan - Implementation and Review in Priority Funding Areas may have on local governments implementing their local comprehensive plans. Please note the Maryland Department of Planning does not take a position on the bill but we would like to highlight some of the challenges facing local governments as they implement their comprehensive plans.

When the General Assembly passed SB 280 in 2009 the legislators affirmed the importance of making land use decisions that are consistent with the comprehensive plan. The preamble of this law noted that communities devote significant time and resources preparing the comprehensive plan and “that comprehensive plans should be followed as closely as possible while not being elevated to the status of an ordinance and that deviations from the plan should be rare.”

Citizens and businesses place great reliance on the comprehensive plan when they make decisions on where to buy a home or locate their business. Yet, the comprehensive plan cannot anticipate all future events, and the plan needs to provide some flexibility to address market changes and the interests of private property owners.

SB 280 acknowledged there may be instances where the general descriptions of uses and density in the plan may not fully anticipate the future interests of the community by stating, “It is the intent of the General Assembly to encourage the development of ordinances and regulations that apply to locally designated priority funding areas and allow for mixed uses

and bonus densities beyond those specified in the local comprehensive plan by excluding land uses and densities or intensities in the definition of “consistency” for priority funding areas[;].” Nearly fifteen years later, the need to encourage mixed-use communities and affordable housing opportunities is even more paramount.

The challenge a local government has today is to prepare a comprehensive plan that embodies the vision of the community and lays out a well-defined path forward that citizens and businesses can believe in and help achieve, yet not make the plan so prescriptive that it potentially limits the innovation, investment, and opportunity to create an even greater community than was envisioned when the comprehensive plan was adopted. §1-304 of the Land Use Article provides within the community’s designated priority funding area some of that flexibility in terms of allowed uses and densities; yet local governments still have the required consistency provisions of the plan when it comes to other implementation mechanisms, such as adequate public facilities, affordable housing mandates, and capital improvements programming to help address the unintended consequences that comes with future development.

The Maryland Department of Planning is committed to promoting consistency of the comprehensive plan through our efforts assisting local governments prepare the best comprehensive plans possible and by our evaluations and recommendations of local plan implementation efforts, such as reviewing county water and sewerage plans and proposed municipal annexations. We look forward working with the General Assembly and local governments to advance quality comprehensive planning and the implementation of these plans to create healthy, livable communities where we leave no one behind.

Thank you for your consideration and please feel free to contact me with any questions you may have concerning this bill. We appreciate the opportunity to submit comments regarding SB0294.

Sincerely,

A handwritten signature in blue ink that reads "Rebecca L. Flora". The signature is written in a cursive, flowing style.

Rebecca L. Flora
Acting Secretary

cc Senator Charles E. Sydnor, III