



Maryland DEPARTMENT OF PLANNING

HEARING DATE: April 1
BILL NO: HB 1266
COMMITTEE: Education, Energy, and the Environment
POSITION: Oppose
FOR INFORMATION CONTACT: Andrew Wilson (443) 721-6789

TITLE: HB 1266 - Task Force to Study Land Use Issues in Prince George's County - Establishment MC/PG 117-25

BILL ANALYSIS:

This bill establishes a Task Force to study long standing struggles in the county between the powers allotted to the Prince George's County Planning Board and the District Council. The bill asks the Task Force to study certain aspects of the Land Use Article relating to the powers of the Planning Board and questions whether the powers should be conveyed to the District Council for final review. Although not described as such, this relates to development review applications submitted to address the requirements of the zoning and subdivision regulations. The current processes of each of these types of applications are complicated and have lengthy timelines. The bill would require the Task Force, and any supportive staff, to research and discuss areas of the state code with highly technical and legalistic language.

The bill segways into two other aspects of development review including the standing of parties of record and addressing the development process associated with a controversial case that involves a defunct airfield in the southern portion of the county that is anticipated to be developed in the future as a predominantly residential and/or possible mixed-use development.

POSITION AND RATIONALE:

The Maryland Department of Planning (MDP) opposes HB 1266. This bill, as amended, addresses a local issue that is best handled by the local government without the staffing responsibility currently delegated to MDP. The issues related to the powers of the Planning Board have been in place since 1957 with only minor changes to Division II of the Land Use Article. Further, those same powers are afforded to the Montgomery County Planning Board as well. As the Maryland-National Capital Park and Planning Commission is the only bi-county land use planning agency in the state, it makes sense that each of the individual planning boards have the same powers. The County Council is an elected body, and the District Council is made up of the same individuals, whereas the Planning Board members are appointed by the County Executive and confirmed by the County Council.

As a state agency, MDP firmly believes it is in the best interest of the state and local governments that the department does not play a role in influencing the internal jurisdictional planning and zoning decision making process, nor in determining the authority of local governing bodies in comparison to the authority of other bodies within the same jurisdiction. These decisions are contentious local land use decisions that are best addressed by the local government. MDP does not intervene in such power delineations within other jurisdictions, and if it were to do so in this situation, MDP may be compelled to do the same for additional counties and municipalities. If this bill is adopted as recently amended, the actions and findings of this Task Force would intentionally insert Maryland's

Executive Branch into locally determined development review processes, which is unprecedented and a significant departure from the current delegation of land use authority granted to local governments. The respective authorities of the Planning Board and the District Council must be decided by Prince George's County itself.

MDP also opposes HB 1266 because it is not feasible for MDP staff to lead a Task Force demanding intimate and technical knowledge of Prince George's County's development review history, local and state laws and court decisions relating to the same, and even land use/development procedures used throughout the state for comparison. MDP staff would be required to research, to the level of a subject matter expert, the specific legal and land use issues and controversies facing Prince George's County over decades to the more recent Concerned Citizens decision about the "uniformity" principle and its application to the rezoning of a failing airport. To adequately staff the Task Force, MDP must become well-versed in those issues so staff could guide the Task Force's deliberations, and if the Task Force's deliberations on those issues require legal input, which is likely, that would be extremely challenging for MDP's Assistant AG who is not an expert on Prince George's County's specific land use process. If MDP is required to focus so many staff resources on the concerns of one county, its services to the rest of Maryland will suffer, which will subsequently impede the department's ability to advance Governor Moore's State Plan, enhance sustainable development in pursuit of economic growth, and implement other legislation adopted by the Maryland General Assembly.

For these reasons, MDP urges an unfavorable report on HB 1266.