

SENATOR E.J. PIPKIN
36th Legislative District
Caroline, Cecil, Kent, and
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MINORITY WHIP

Finance Committee
Executive Nominations Committee
Joint Audit Committee



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THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

November 17, 2011

Douglas Gansler, Attorney General
Office of the Attorney General
200 St. Paul Place
Baltimore, MD 21202

Dear Attorney General Gansler,

This past April, The Maryland Department of Planning (MDP) unveiled a draft of its state-wide growth policy called PlanMaryland. This draft Plan was originally due to Governor O'Malley this September, but the deadline for public comment was recently extended in response to local officials who asked for more time to review the Plan. MDP revised their PlanMD draft, based on public comments and released an updated draft on September 9, 2011.

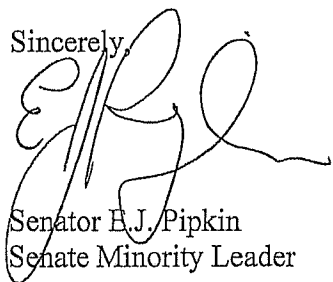
According to the draft Plan, Maryland's new smart-growth policy will channel growth to areas best equipped to handle it and preserve agriculture and forest land from development. But, we find the Plan to be ambiguous on how it will accomplish these goals relating to local planning authority.

Therefore, we are requesting an attorney general's opinion on the following questions relating to the current draft of PlanMaryland:

1. What is the scope of authority that MDP has over local jurisdictions' land use decisions?
2. Can the Administration supersede local government's permitting and zoning power?
3. Based on the current revised draft that was released this September, does the Administration have the authority to implement PlanMaryland?
4. The Governor is issuing an executive order to implement PlanMaryland. What authority is the Governor seeking by issuing an executive order on PlanMaryland that does not exist in current Maryland statute?

We believe answers to these questions are crucial to understanding this complex issue. I realize this is a complicated issue and I appreciate your time and effort on this matter.

Sincerely,

A handwritten signature in black ink, appearing to be 'EJP', written over the word 'Sincerely,'.

Senator E.J. Pipkin
Senate Minority Leader