FREDERICK COUNTY PLANNING COMMISSION
April 11, 2018 9:30 a.m.

TITLE: Bill #18-02 Education Course for County Council Members

FILE NUMBER: N/A

REQUEST: Bill #18-02 Education Course for County Council Members Public Hearing

PROJECT INFORMATION: N/A

APPLICANT/REPRESENTATIVES: Council Member Billy Shreve

STAFF:

RECOMMENDATION: That the Planning Commission provide a recommendation to the Frederick County Council regarding the Text Amendment.

ATTACHMENTS:
Proposed Bill
Council Summary Memorandum
To: Frederick County Planning Commission

From: Stever C. Horn, Director, Planning & Permitting Division

Date: March 27, 2018

Subject: Bill # 18-02 Education Course for County Council Members (By: Council Member Billy Shreve)

Attached, please find the proposed Bill and summary memorandum from Council Member Billy Shreve.

Thank you for your attention to this matter.

Attachment
Proposed Bill
Council Summary Memorandum
County Council
For Frederick County, Maryland

By: Council Member Billy Shreve

An Act to: require County Council Members to complete the education course within thirty (30) days of taking office, as defined in the Annotated Code of Maryland, Land Use Article, § 1-106, Planning Commission and Board of Appeals Members.

Executive: __________________________ Date Received: __________________________

Approved: __________________________ Date: __________________________

Vetoed: __________________________ Date: __________________________

By amending:
Frederick County Code, Chapter, 1-19 Section(s) 1.131

Other: __________________________

Boldface: Heading or defined term.
Underlining: Added to existing law.
[SINGLE BOLDFACE BRACKETS]: Deleted from existing law.
***: Existing law unaffected by bill.
The County Council of Frederick County, Maryland, finds it necessary and appropriate to require that all Council Members complete the education course within thirty (30) days of taking office, as defined in the Annotated Code of Maryland, Land Use Article, § 1-206.

NOW, THEREFORE, BE IT ENACTED BY THE COUNTY COUNCIL OF FREDERICK COUNTY, MARYLAND, that the Frederick County Code be, and it is hereby, amended as shown on the attached Exhibit 1.

AND, BE IT FURTHER ENACTED, this provision shall take effect at noon on the first Monday of December, 2018.

Harold F. (Bud) Otis, President
County Council of Frederick County, Maryland
§ 1-19-1.131. EDUCATION FOR COUNTY COUNCIL MEMBERS.

(A) Within thirty (30) days of taking office, all County Council Members shall complete the education course as defined in the Annotated Code of Maryland, Land Use Article, § 1-206 for members of the Planning Commission and Board of Appeals.

(B) A Council Member may not vote on any legislation relating to land use or zoning matters unless they have completed the education course identified in subsection (A).
To: County Council
From: Council Member Billy Shreve
Date: January 9, 2018
Subject: Education Course for County Council Members

Issue:

Should County Council Members be required to take the education course within thirty (30) days of taking office, as defined in the Annotated Code of Maryland, Land Use Article, § 1-206. Planning Commission and Board of Appeals Members?

Background:

Currently the County Council is not required to have any training regarding the significant land use roles of the Planning Commission, Planning Board and Board of Appeals.

What will this bill do?

The new bill would require the County Council to take the Planning Commission, Planning Board and Board of Appeals Education Course developed by the Maryland Department of Planning within thirty (30) days of taking office.

In 2009, the State of Maryland passed the Smart and Sustainable Growth Act, in part, requiring members of local planning boards or commissions and boards of appeals complete an education course concerning certain aspects of land use planning within six (6) months of appointment. Md. Code Ann., Land Use § 1-206 (West 2017).

The Smart and Sustainable Growth Act of 2009 is codified in Md. Code Ann., LU Title 1, Subtitles 1-4 and Title 2, Subtitle 1 and Title 3, Subtitles 1-3 and Title 4, Subtitles 2 and 3 and Title 10, Subtitles 1 and 2; Md. Code Ann., Nat. Res. § 8-1808.1

The Planning Commission, Planning Board and Board of Appeals Education Course was developed to fulfill the education component required by the aforementioned law. The law provides that the course must include education on:

- the role of the comprehensive plan;
- proper standards for special exceptions and variances, as applicable, and
- local zoning, planned development, subdivision and other land use ordinances and regulations.
Currently this course is required for the County's Planning Commission and Board of Appeals, who are tasked with reviewing, hearing, deciding, and resolving certain land use issues. The course is free of charge, offered online, and is estimated to take about six hours to complete.

The County Council plays an important role in that it holds public hearings on proposals coming from the Planning Commission. It is important for Council Members to be informed of the aforementioned topics in order to make responsible land use decisions.