

Bond Case Briefs

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County Council of Prince George's County v. Chaney Enterprises Limited Partnership

Court of Appeals of Maryland - July 28, 2017 - A.3d - 2017 WL 3205518

Mining companies and a mining trade organization sought judicial review of amendments by county council, sitting as a district council, to an area master plan to prohibit sand and gravel mining in the “Developing Tier” of the county.

The Circuit Court affirmed the amendments. Mining companies and trade organization appealed. The Court of Special Appeals affirmed in part, reversed in part, and remanded. Council petitioned for certiorari review, and mining companies and trade organization cross-petitioned.

The Court of Appeals held that:

- Plan’s amendments were a regulatory device that was subject to judicial review under the Maryland-Washington Regional District Act (RDA);
- Mining companies and trade organization were not required to meet any requirement under the Administrative Procedure Act (APA) that they had to attend public hearings on the master plan in order to seek judicial review;
- Mining companies and trade organization were not required to exhaust their administrative remedies before seeking judicial review under the RDA;
- Council’s failure under county ordinance to refer amendments back to the planning board for its written comments warranted vacating the adoption of the amendments;
- The invalid amendments were severable from the rest of the master plan; and
- The Surface Mining Act (SMA) did not preempt county’s local zoning and planning authority to the extent of prohibiting surface mining in county’s “Developing Tier,” except for any vested rights.