

ENROLLED BILL

-- *Environmental Matters/Education, Health, and Environmental Affairs* --

Introduced by **Delegates McIntosh, Bobo, Bronrott, Cane, V. Clagett, Frush,
~~and Glassman~~ Glassman, Holmes, Lawton, Montgomery, Pugh, Stern,
and Sossi**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Land Use - ~~Comprehensive Plans - Plan Elements~~ Local Government**
3 **Planning**

4 FOR the purpose of requiring a planning commission in a county or municipal
5 corporation to include ~~a certain plan element~~ certain plan elements when
6 developing a comprehensive plan; ~~providing for a certain process when~~
7 ~~developing a certain plan element~~; requiring certain plan elements to be
8 reviewed ~~and approved~~ by the Department of the Environment and the
9 Department of Natural Resources; including certain lands in certain areas;
10 ~~altering certain development requirements for annexed land; requiring a certain~~
11 ~~annexation plan; requiring certain plan elements to be included in certain~~
12 ~~comprehensive plans; providing for the process for including certain plan~~
13 ~~elements in certain comprehensive plans; altering the circumstances under~~
14 ~~which certain areas shall be considered priority funding areas; providing for the~~
15 ~~designation of priority funding areas by certain local governments; requiring~~

1 that certain plan elements be updated on or before a certain date; encouraging
 2 coordination on certain local planning issues; establishing a Task Force on the
 3 Future for Growth and Development in Maryland; providing for the membership
 4 and staffing of the Task Force; *providing that certain provisions of the Maryland*
 5 *Public Ethics Law do not apply under certain circumstances to certain regulated*
 6 *lobbyists; requiring the Task Force to study certain growth-related issues;*
 7 *requiring the Task Force to submit a certain report on or before a certain date;*
 8 *providing for the construction of this Act;* and generally relating to
 9 ~~comprehensive plans and plan elements~~ local government planning.

10 BY repealing and reenacting, with amendments,

11 Article 23A - Corporations - Municipal
 12 Section 9(c) and 19(o)
 13 Annotated Code of Maryland
 14 (2005 Replacement Volume)

15 BY repealing and reenacting, without amendments,

16 Article 66B - Land Use
 17 Section 1.00(a)
 18 Annotated Code of Maryland
 19 (2003 Replacement Volume and 2005 Supplement)

20 BY repealing and reenacting, with amendments,

21 Article 66B - Land Use
 22 Section 1.00(j), 1.03, and 3.05
 23 Annotated Code of Maryland
 24 (2003 Replacement Volume and 2005 Supplement)

25 BY repealing and reenacting, with amendments,

26 Article - State Finance and Procurement
 27 Section 5-7B-02 and 5-7B-03
 28 Annotated Code of Maryland
 29 (2006 Replacement Volume)

30 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 31 MARYLAND, That the Laws of Maryland read as follows:

32 **Article 23A - Corporations - Municipal**

33 9.

34 (c) (1) A municipal corporation which is subject to the provisions of Article
 35 XI-E of the Maryland Constitution may not amend its charter or exercise its powers
 36 of annexation, incorporation or repeal of charter as to affect or impair in any respect
 37 the powers relating to sanitation, including sewer, water and similar facilities, and
 38 zoning, of the Washington Suburban Sanitary Commission or of the

1 Maryland-National Capital Park and Planning Commission. Except that where any
 2 area is annexed to a municipality authorized to have and having then a planning and
 3 zoning authority, the municipality shall have exclusive jurisdiction over planning and
 4 zoning and subdivision control within the area annexed; provided nothing in this
 5 exception shall be construed or interpreted to grant planning and zoning authority or
 6 subdivision control to a municipality not authorized to exercise that authority at the
 7 time of such annexation; and further provided, that no municipality annexing land
 8 may for a period of five years following AN annexation, [place that land in a zoning
 9 classification which permits a land use substantially different from the use for the
 10 land specified in the current and duly adopted master plan or plans or if there is no
 11 adopted or approved master plan, the adopted or approved general plan or plans of
 12 the county or agency having planning and zoning jurisdiction over the land prior to its
 13 annexation] PERMIT DEVELOPMENT OF THE ANNEXED LAND FOR LAND USES
 14 SUBSTANTIALLY DIFFERENT THAN THE USE AUTHORIZED, OR AT A SUBSTANTIALLY
 15 HIGHER, NOT TO EXCEED 50%, DENSITY THAN COULD BE GRANTED FOR THE
 16 PROPOSED DEVELOPMENT, IN ACCORDANCE WITH THE ZONING CLASSIFICATION OF
 17 THE COUNTY APPLICABLE AT THE TIME OF THE ANNEXATION without the express
 18 approval of the board of county commissioners or county council of the county in
 19 which the municipality is located.

20 (2) If the county expressly approves, the municipality, without regard to
 21 the provisions of Article 66B, § 4.05(a) of the Code, may place the annexed land in a
 22 zoning classification that permits a land use [substantially] OR DENSITY different
 23 from the LAND use [for the land] OR DENSITY specified in the [current and duly
 24 adopted master plan or general plan] ZONING CLASSIFICATION of the county or
 25 agency having planning and zoning jurisdiction over the land prior to its annexation
 26 APPLICABLE AT THE TIME OF THE ANNEXATION.

27 19.

28 (o) (1) In addition to, but not as a part of the resolution, the legislative body
 29 of the municipal corporation shall [provide also a proposed outline for the extension
 30 of services and public facilities into] ADOPT AN ANNEXATION PLAN FOR the area
 31 proposed to be annexed.

32 (2) The [outline] ANNEXATION PLAN shall be open to public review and
 33 discussion at the public hearing, but amendments to the [outline] ANNEXATION
 34 PLAN may not be construed in any way as an amendment to the resolution, nor may
 35 they serve in any manner to cause a reinitiation of the annexation procedure then in
 36 process.

37 (3) (I) A copy of the [outline] ANNEXATION PLAN shall be provided to
 38 the governing body of the county or counties in which the municipal corporation is
 39 located, THE DEPARTMENT OF PLANNING, and any regional and State planning
 40 agencies having jurisdictions within the county at least 30 days prior to the holding of
 41 the public hearing required by this section. ~~The~~

42 (II) EXCEPT AS PROVIDED IN PARAGRAPH (4) OF THIS SUBSECTION,
 43 FOR ANNEXATIONS THAT BEGIN BEFORE OCTOBER 1, 2009, THE [outline]

1 ANNEXATION PLAN shall contain a description of the land use pattern proposed for
 2 the area to be annexed, which may include any county master plan already in effect
 3 for the area. It shall be presented so as to demonstrate the available land for public
 4 facilities which may be considered reasonably to be necessitated by the proposed use,
 5 such as school sites, water or sewerage treatment facilities, libraries, recreation, fire
 6 or police. It shall contain also a statement describing the schedule for extending to the
 7 area to be annexed each municipal service performed within the municipality at the
 8 time of annexation and a statement as to the general methods by which the
 9 municipality anticipates to finance the extension of municipal services into the area
 10 to be annexed.

11 ~~(4)~~ (III) EXCEPT AS PROVIDED IN PARAGRAPH (4) OF THIS SUBSECTION,
 12 FOR ANNEXATIONS THAT BEGIN ON OR AFTER OCTOBER 1, 2009, THE ANNEXATION
 13 PLAN SHALL BE CONSISTENT WITH THE MUNICIPAL GROWTH ELEMENT OF THE
 14 COMPREHENSIVE PLAN OF THE MUNICIPAL CORPORATION.

15 (IV) FOR THE PURPOSES OF SUBPARAGRAPHS (II) AND (III) OF THIS
 16 PARAGRAPH, AN ANNEXATION BEGINS IF:

17 1. A PROPOSAL FOR CHANGE IS INITIATED BY RESOLUTION
 18 IN ACCORDANCE WITH SUBSECTION (B) OF THIS SECTION; OR

19 2. A PROPOSAL FOR CHANGE IS INITIATED BY WRITTEN
 20 PETITION IN ACCORDANCE WITH SUBSECTION (C) OF THIS SECTION.

21 (4) (I) A MUNICIPAL CORPORATION MAY SUBMIT AN ANNEXATION
 22 PLAN IN ACCORDANCE WITH PARAGRAPH (3)(II) OF THIS SUBSECTION, IF ON OR
 23 AFTER OCTOBER 1, 2009, A MUNICIPAL CORPORATION IS GRANTED AN EXTENSION
 24 FOR THE INCLUSION OF A MUNICIPAL GROWTH ELEMENT IN ACCORDANCE WITH
 25 ARTICLE 66B, § 3.05(F) OF THE CODE.

26 (II) AFTER THE EXPIRATION OF A FINAL EXTENSION GRANTED
 27 UNDER ARTICLE 66B, § 3.05(F) OF THE CODE FOR THE INCLUSION OF A MUNICIPAL
 28 GROWTH ELEMENT, AN ANNEXATION PLAN SHALL BE SUBMITTED IN ACCORDANCE
 29 WITH PARAGRAPH (3)(III) OF THIS SUBSECTION.

30 **Article 66B - Land Use**

31 1.00.

32 (a) In this article the following words have the meanings indicated, except
 33 where the context clearly indicates otherwise.

34 (j) "Sensitive areas" includes:

35 (1) Streams, WETLANDS, and their buffers;

36 (2) 100-year flood plains;

37 (3) Habitats of threatened and endangered species;

1 (4) Steep slopes; ~~and~~

2 (5) AGRICULTURAL AND FOREST LANDS INTENDED FOR RESOURCE
3 PROTECTION OR CONSERVATION; AND

4 (6) Other areas in need of special protection, as determined in the plan.

5 1.03.

6 (a) (1) When developing a comprehensive plan for a charter county, a
7 planning commission shall include:

8 (i) A transportation plan element which shall:

9 1. Propose the most appropriate and desirable patterns for
10 the general location, character, and extent of the channels, routes, and terminals for
11 transportation facilities, and for the circulation of persons and goods on a schedule
12 that extends as far into the future as is reasonable;

13 2. Provide for bicycle and pedestrian access and travelways;
14 and

15 3. Include an estimate of the probable utilization of any
16 proposed improvement;

17 (ii) If current geological information is available, a mineral
18 resources plan element that:

19 1. Identifies undeveloped land that should be kept in its
20 undeveloped state until the land can be used to provide or assist in providing a
21 continuous supply of minerals, as defined in § 15-801(i) of the Environment Article;

22 2. Identifies appropriate postexcavation uses for the land
23 that are consistent with the county's land planning process;

24 3. Incorporates land use policies and recommendations for
25 regulations:

26 A. To balance mineral resource extraction with other land
27 uses; and

28 B. To the extent feasible, to prevent the preemption of
29 mineral resources extraction by other uses; ~~{and}~~

30 4. Has been reviewed by the Department of the Environment
31 to determine whether the proposed comprehensive plan is consistent with the
32 programs and goals of the Department; ~~AND~~

33 5. ~~HAS BEEN APPROVED BY THE DEPARTMENT OF THE~~
34 ~~ENVIRONMENT;~~

1 (iii) A WATER RESOURCES PLAN ELEMENT THAT:

2 1. IDENTIFIES DRINKING WATER AND OTHER WATER
3 RESOURCES THAT WILL BE ADEQUATE FOR THE NEEDS OF EXISTING AND FUTURE
4 DEVELOPMENT PROPOSED IN THE LAND USE ELEMENT OF THE ~~PLAN~~ PLAN,
5 CONSIDERING AVAILABLE DATA PROVIDED BY THE DEPARTMENT OF THE
6 ENVIRONMENT; AND INCLUDES CONSIDERATION OF:

7 A. ~~WELLHEAD PROTECTION AND SOURCE WATER~~
8 ~~PROTECTION AREAS;~~

9 B. ~~KNOWN GROUNDWATER CONTAMINATION; AND~~

10 C. ~~KNOWN LIMITED GROUNDWATER AVAILABILITY; AND~~

11 2. IDENTIFIES ~~THE SUITABILITY OF~~ SUITABLE RECEIVING
12 WATERS AND LAND AREAS TO MEET STORM WATER MANAGEMENT AND
13 WASTEWATER TREATMENT AND DISPOSAL NEEDS OF EXISTING AND FUTURE
14 DEVELOPMENT PROPOSED IN THE LAND USE ELEMENT OF THE ~~PLAN~~ PLAN,
15 CONSIDERING AVAILABLE DATA PROVIDED BY THE DEPARTMENT OF THE
16 ENVIRONMENT; AND AND INCLUDES CONSIDERATION OF:

17 A. ~~SOILS AND GROUNDWATER;~~

18 B. ~~WATER QUALITY STANDARDS;~~

19 C. ~~TOTAL MAXIMUM DAILY LOADS; AND~~

20 D. ~~ANTIDEGRADATION REQUIREMENTS; AND~~

21 3. HAS BEEN REVIEWED BY THE DEPARTMENT OF THE
22 ENVIRONMENT TO DETERMINE WHETHER THE PROPOSED PLAN IS CONSISTENT
23 WITH THE PROGRAMS AND GOALS OF THE DEPARTMENT REFLECTED IN THE
24 GENERAL WATER RESOURCES PROGRAM REQUIRED UNDER § 5-203 OF THE
25 ENVIRONMENT ARTICLE; AND

26 4. ~~HAS BEEN APPROVED BY THE DEPARTMENT OF THE~~
27 ~~ENVIRONMENT;~~

28 (IV) An element which contains the planning commission's
29 recommendation for land development regulations to implement the comprehensive
30 plan and which encourages:

31 1. Streamlined review of applications for development,
32 including permit review and subdivision plat review within the areas designated for
33 growth in the comprehensive plan;

34 2. The use of flexible development regulations to promote
35 innovative and cost-saving site design and protect the environment; and

1 3. Economic development in areas designated for growth in
2 the comprehensive plan through the use of innovative techniques; and

3 [(iv)] (V) A sensitive areas element that:

4 1. [contains] CONTAINS goals, objectives, principles,
5 policies, and standards designed to protect sensitive areas from the adverse effects of
6 development; AND

7 2. HAS BEEN REVIEWED BY THE DEPARTMENT OF THE
8 ENVIRONMENT AND DEPARTMENT OF NATURAL RESOURCES TO DETERMINE
9 WHETHER THE PROPOSED PLAN IS CONSISTENT WITH THE PROGRAMS AND GOALS
10 OF THE DEPARTMENTS; ~~AND~~

11 ~~3. HAS BEEN APPROVED BY THE DEPARTMENT OF THE~~
12 ~~ENVIRONMENT AND DEPARTMENT OF NATURAL RESOURCES.~~

13 (2) The channels, routes, travelways, and terminals required under
14 paragraph (1)(i) of this subsection may include all types of highways or streets, bicycle
15 ways, sidewalks, railways, waterways, airways, routings for mass transit, and
16 terminals for people, goods, and vehicles related to highways, airways, waterways,
17 and railways.

18 (3) The mineral resources plan element required under paragraph (1)(ii)
19 of this subsection shall be incorporated in:

20 (i) Any new comprehensive plan adopted after July 1, 1986 for all
21 or any part of a jurisdiction; and

22 (ii) Any amendment or addition that is adopted after July 1, 1986
23 to a comprehensive plan that was in effect on July 1, 1985.

24 (4) THE DEPARTMENT OF THE ENVIRONMENT SHALL PROVIDE, ON
25 REQUEST, TECHNICAL ASSISTANCE TO A LOCAL GOVERNMENT ON THE
26 DEVELOPMENT OF THE WATER RESOURCES ELEMENT OF THE COMPREHENSIVE
27 PLAN.

28 (b) (1) A planning commission shall include in its comprehensive plan all
29 elements required in subsection (a) of this section and the visions set forth in § 1.01 of
30 this article.

31 (2) At least once every 6 years, the planning commission shall review
32 and, if necessary, revise or amend a comprehensive plan to include all elements
33 required in subsection (a) of this section and the visions set forth in § 1.01 of this
34 article.

35 (3) If the comprehensive plan for each geographic section or division is
36 reviewed and, if necessary, revised or amended at least once every 6 years, the
37 planning commission may prepare comprehensive plans for one or more major
38 geographic sections or divisions of the local jurisdiction.

1 (c) (1) A planning commission shall implement the visions set forth in § 1.01
 2 of this article through the comprehensive plan elements required under subsection (a)
 3 of this section.

4 (2) A local legislative body that has adopted a comprehensive plan may
 5 adopt regulations implementing the visions stated in § 1.01 of this article in a
 6 comprehensive plan.

7 (d) On or before July 1, 1997, and subsequently at intervals of not more than
 8 6 years which correspond to the comprehensive plan revision under subsection (b) of
 9 this section, a charter county shall ensure that the implementation of the provisions
 10 of the comprehensive plan that comply with § 1.01 of this article and subsection
 11 (a)(1)(iii) and (iv) of this section are achieved through the adoption of:

12 (1) Applicable zoning ordinances and regulations;

13 (2) Planned development ordinances and regulations;

14 (3) Subdivision ordinances and regulations; and

15 (4) Other land use ordinances and regulations that are consistent with
 16 the comprehensive plan.

17 (E) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A CHARTER
 18 COUNTY MUST INCLUDE ANY PLAN ELEMENT REQUIRED UNDER THIS SECTION IN
 19 ITS COMPREHENSIVE PLAN ON OR BEFORE OCTOBER 1, 2009.

20 (2) ON A REQUEST BY A CHARTER COUNTY THAT SHOWS GOOD CAUSE
 21 FOR EXTENDING THE TIME LIMIT TO COMPLY WITH PARAGRAPH (1) OF THIS
 22 SUBSECTION, THE DEPARTMENT OF PLANNING MAY GRANT UP TO TWO 6-MONTH
 23 EXTENSIONS TO THAT CHARTER COUNTY.

24 (3) A CHARTER COUNTY THAT IS NOT IN COMPLIANCE WITH
 25 PARAGRAPH (1) OF THIS SUBSECTION AFTER OCTOBER 1, 2009, OR AFTER THE
 26 EXPIRATION OF ANY EXTENSIONS GRANTED UNDER PARAGRAPH (2) OF THIS
 27 SUBSECTION, MAY NOT CHANGE THE ZONING CLASSIFICATION OF A PROPERTY
 28 UNTIL THAT CHARTER COUNTY COMPLIES WITH THE REQUIREMENTS OF THIS
 29 SUBSECTION.

30 3.05.

31 (a) (1) A planning commission shall make and approve a plan which the
 32 commission shall recommend to the local legislative body for adoption.

33 (2) The plan shall:

34 (i) Serve as a guide to public and private actions and decisions to
 35 insure the development of public and private property in appropriate relationships;
 36 and

1 (ii) Include any areas outside of the boundaries of the plan which,
2 in the planning commission's judgment, bear relation to the planning responsibilities
3 of the commission.

4 (3) (i) The elements of the plan may be expressed in words, graphics,
5 or any other appropriate form.

6 (ii) 1. The elements of the plan shall be interrelated.

7 2. Each element shall describe how it relates to each of the
8 other elements and to the statement of objectives, principles, policies, and standards.

9 (4) The plan shall contain at a minimum the following elements:

10 (i) A statement of goals and objectives, principles, policies, and
11 standards, which shall serve as a guide for the development and economic and social
12 well-being of the local jurisdiction;

13 (ii) A land use plan element, which:

14 1. Shall propose the most appropriate and desirable patterns
15 for the general location, character, extent, and interrelationship of the uses of public
16 and private land, on a schedule that extends as far into the future as is reasonable;
17 and

18 2. May include public and private, residential, commercial,
19 industrial, agricultural, and recreational land uses;

20 (iii) A transportation plan element which shall:

21 1. Propose the most appropriate and desirable patterns for
22 the general location, character, and extent of the channels, routes, and terminals for
23 transportation facilities, and for the circulation of persons and goods on a schedule
24 that extends as far into the future as is reasonable;

25 2. Provide for bicycle and pedestrian access and travelways;
26 and

27 3. Include an estimate of the probable utilization of any
28 proposed improvement;

29 (iv) A community facilities plan element, which:

30 1. Shall propose the most appropriate and desirable patterns
31 for the general location, character, and extent of public and semipublic buildings,
32 land, and facilities on a schedule that extends as far into the future as is reasonable;
33 and

34 2. May include parks and recreation areas, schools and other
35 educational and cultural facilities, libraries, churches, hospitals, social welfare and

1 medical facilities, institutions, fire stations, police stations, jails, or other public office
2 or administrative facilities;

3 (v) If current geological information is available, a mineral
4 resources plan element that:

5 1. Identifies undeveloped land that should be kept in its
6 undeveloped state until the land can be used to provide or assist in providing a
7 continuous supply of minerals, as defined in § 15-801(i) of the Environment Article;

8 2. Identifies appropriate post-excavation uses for the land
9 that are consistent with the county's land planning process;

10 3. Incorporates land use policies and recommendations for
11 regulations:

12 A. To balance mineral resource extraction with other land
13 uses; and

14 B. To the extent feasible, to prevent the preemption of
15 mineral resources extraction by other uses; ~~{and}~~

16 4. Has been reviewed by the Department of the Environment
17 to determine whether the proposed plan is consistent with the programs and goals of
18 the Department; ~~AND~~

19 5. ~~HAS BEEN APPROVED BY THE DEPARTMENT OF THE~~
20 ~~ENVIRONMENT;~~

21 (VI) A WATER RESOURCES PLAN ELEMENT THAT:

22 1. IDENTIFIES DRINKING WATER AND OTHER WATER
23 RESOURCES THAT WILL BE ADEQUATE FOR THE NEEDS OF EXISTING AND FUTURE
24 DEVELOPMENT PROPOSED IN THE LAND USE PLAN ELEMENT REQUIRED UNDER
25 THIS ~~SECTION~~ SECTION, CONSIDERING AVAILABLE DATA PROVIDED BY THE
26 DEPARTMENT OF THE ENVIRONMENT ~~AND INCLUDES CONSIDERATION OF:~~

27 A. ~~WELLHEAD PROTECTION AND SOURCE WATER~~
28 ~~PROTECTION AREAS;~~

29 B. ~~KNOWN GROUNDWATER CONTAMINATION; AND~~

30 C. ~~KNOWN LIMITED GROUNDWATER AVAILABILITY;~~

31 2. IDENTIFIES ~~THE SUITABILITY OF~~ SUITABLE RECEIVING
32 WATERS AND LAND AREAS TO MEET STORMWATER MANAGEMENT AND
33 WASTEWATER TREATMENT AND DISPOSAL NEEDS OF EXISTING AND FUTURE
34 DEVELOPMENTS PROPOSED IN THE LAND USE PLAN ELEMENT REQUIRED UNDER
35 THIS ~~SECTION~~ SECTION, CONSIDERING AVAILABLE DATA PROVIDED BY THE
36 DEPARTMENT OF THE ENVIRONMENT; AND ~~AND INCLUDES CONSIDERATION OF:~~

- 1 A. ~~SOILS AND GROUNDWATER;~~
- 2 B. ~~WATER QUALITY STANDARDS;~~
- 3 C. ~~TOTAL MAXIMUM DAILY LOADS; AND~~
- 4 D. ~~ANTIDEGRADATION REQUIREMENTS; AND~~

5 3. HAS BEEN REVIEWED BY THE DEPARTMENT OF THE
6 ENVIRONMENT TO DETERMINE WHETHER THE PROPOSED PLAN IS CONSISTENT
7 WITH THE PROGRAMS AND GOALS OF THE DEPARTMENT REFLECTED IN THE
8 GENERAL WATER RESOURCES PROGRAM REQUIRED UNDER § 5-203 OF THE
9 ENVIRONMENT ARTICLE; AND

10 4. ~~HAS BEEN APPROVED BY THE DEPARTMENT OF THE~~
11 ~~ENVIRONMENT;~~

12 [(vi)] (VII) An element which shall contain the planning
13 commission's recommendation for land development regulations to implement the
14 plan and which encourages the following:

- 15 1. Streamlined review of applications for development,
16 including permit review and subdivision plat review within the areas designated for
17 growth in the plan;
- 18 2. The use of flexible development regulations to promote
19 innovative and cost-saving site design and protect the environment; and
- 20 3. Economic development in areas designated for growth in
21 the plan through the use of innovative techniques;

22 [(vii)] (VIII) Recommendations for the determination,
23 identification, and designation of areas within the county that are of critical State
24 concern; and

25 [(viii)] (IX) A sensitive area element that:

- 26 1. [contains] CONTAINS goals, objectives, principles,
27 policies, and standards designed to protect sensitive areas from the adverse effects of
28 development; AND
- 29 2. HAS BEEN REVIEWED BY THE DEPARTMENT OF THE
30 ENVIRONMENT AND DEPARTMENT OF NATURAL RESOURCES TO DETERMINE
31 WHETHER THE PROPOSED PLAN IS CONSISTENT WITH THE PROGRAMS AND GOALS
32 OF THE DEPARTMENTS; AND

33 3. ~~HAS BEEN APPROVED BY THE DEPARTMENT OF THE~~
34 ~~ENVIRONMENT AND DEPARTMENT OF NATURAL RESOURCES.~~

1 (X) FOR A MUNICIPAL CORPORATION THAT EXERCISES ZONING
2 AUTHORITY, A MUNICIPAL GROWTH ELEMENT, DEVELOPED IN ACCORDANCE WITH
3 SUBSECTION (E) OF THIS SECTION, WHICH SHALL INCLUDE CONSIDERATION OF:

4 1. ANTICIPATED FUTURE MUNICIPAL GROWTH AREAS
5 OUTSIDE THE EXISTING CORPORATE LIMITS OF THE MUNICIPAL CORPORATION;

6 2. PAST GROWTH PATTERNS OF THE MUNICIPAL
7 CORPORATION;

8 3. THE CAPACITY OF LAND AREAS AVAILABLE FOR
9 DEVELOPMENT WITHIN THE MUNICIPAL CORPORATION, INCLUDING IN-FILL AND
10 REDEVELOPMENT;

11 4. THE LAND AREA NEEDED TO SATISFY DEMAND FOR
12 DEVELOPMENT AT DENSITIES CONSISTENT WITH THE LONG-TERM DEVELOPMENT
13 POLICY;

14 5. PUBLIC SERVICES AND INFRASTRUCTURE NEEDED TO
15 ACCOMMODATE GROWTH WITHIN THE PROPOSED MUNICIPAL GROWTH AREAS,
16 INCLUDING THOSE NECESSARY FOR:

17 A. PUBLIC SCHOOLS, SUFFICIENT TO ACCOMMODATE
18 STUDENT POPULATION CONSISTENT WITH STATE RATED CAPACITY STANDARDS
19 ESTABLISHED BY THE INTERAGENCY COMMITTEE ON SCHOOL CONSTRUCTION;

20 B. LIBRARIES;

21 C. PUBLIC SAFETY, INCLUDING EMERGENCY MEDICAL
22 RESPONSE;

23 D. WATER AND SEWERAGE FACILITIES;

24 E. STORMWATER MANAGEMENT SYSTEMS, SUFFICIENT TO
25 ASSURE WATER QUALITY BOTH INSIDE AND OUTSIDE THE PROPOSED MUNICIPAL
26 GROWTH AREA; AND

27 F. RECREATION;

28 6. ANTICIPATED FINANCING MECHANISMS TO SUPPORT
29 NECESSARY PUBLIC SERVICES AND INFRASTRUCTURE;

30 7. RURAL BUFFERS AND TRANSITION AREAS;

31 8. ANY BURDEN ON SERVICES AND INFRASTRUCTURE FOR
32 WHICH THE MUNICIPAL CORPORATION WOULD BE RESPONSIBLE FOR
33 DEVELOPMENT IN AREAS PROXIMATE TO AND OUTSIDE THE PROPOSED MUNICIPAL
34 GROWTH AREA;

1 3. Docking and mooring commercial fishing boats and
2 vessels.

3 (ii) The designated areas under subparagraph (i) of this paragraph
4 shall be geographically located to:

5 1. Facilitate the commercial harvesting of finfish and
6 shellfish; and

7 2. Assure reasonable access to the waterways of the State by
8 commercial watermen.

9 (8) THE DEPARTMENT OF THE ENVIRONMENT SHALL PROVIDE, ON
10 REQUEST, TECHNICAL ASSISTANCE TO A LOCAL GOVERNMENT ON THE
11 DEVELOPMENT OF THE WATER RESOURCES ELEMENT OF THE COMPREHENSIVE
12 PLAN.

13 (b) (1) Each local jurisdiction shall adopt and include in their plans all of the
14 elements required in subsection (a) of this section and all of the visions set forth in §
15 1.01 of this article.

16 (2) At least once every 6 years, each planning commission shall review
17 and if necessary revise or amend the local plan to include all of the elements required
18 in subsection (a) of this section and all of the visions set forth in § 1.01 of this article.

19 (3) If the plan for each geographic section or division is reviewed and, if
20 necessary, revised or amended at least once every 6 years, the planning commission
21 may prepare plans for one or more major geographic sections or divisions of the
22 jurisdiction.

23 (c) (1) In preparing a plan, a planning commission shall carefully and
24 comprehensively survey and study:

25 (i) Present conditions;

26 (ii) Projections of future growth of the local jurisdiction; and

27 (iii) The relation of the local jurisdiction to neighboring
28 jurisdictions.

29 (2) The planning commission shall make the plan with the general
30 purpose of guiding and accomplishing the coordinated, adjusted, and harmonious
31 development of the local jurisdiction and its environs.

32 (3) A plan shall promote, in accordance with present and future needs:

33 (i) The health, safety, morals, order, convenience, prosperity, and
34 the general welfare of the local jurisdiction; and

35 (ii) Efficiency and economy in the development process.

- 1 (4) A plan shall provide for:
- 2 (i) Transportation needs;
- 3 (ii) The promotion of public safety;
- 4 (iii) Light and air;
- 5 (iv) The conservation of natural resources;
- 6 (v) The prevention of environmental pollution;
- 7 (vi) The promotion of a healthful and convenient distribution of
- 8 population;
- 9 (vii) The promotion of good civic design and arrangement;
- 10 (viii) The wise and efficient expenditure of public funds;
- 11 (ix) Adequate public utilities; and
- 12 (x) An adequate supply of other public requirements.

13 (d) (1) The commission shall have power to promote public interest in and
14 understanding of the plan.

15 (2) The commission shall consult with public officials and agencies,
16 public utility companies, civic, educational, professional, and other organizations, and
17 citizens about protecting or executing the plan.

18 ~~(E) (1) A MUNICIPAL CORPORATION THAT EXERCISES ZONING AUTHORITY~~
19 ~~SHALL INCLUDE A MUNICIPAL GROWTH ELEMENT IN A COMPREHENSIVE PLAN.~~

20 ~~(2) THE DEPARTMENT OF PLANNING SHALL PROVIDE, ON REQUEST,~~
21 ~~TECHNICAL ASSISTANCE TO A MUNICIPAL CORPORATION FOR THE PURPOSES OF~~
22 ~~DEVELOPING THE MUNICIPAL GROWTH ELEMENT OF THE COMPREHENSIVE PLAN.~~

23 ~~(3) (2) WHEN DEVELOPING THE MUNICIPAL GROWTH ELEMENT OF~~
24 ~~THE COMPREHENSIVE PLAN A MUNICIPAL CORPORATION SHALL CONSULT WITH THE~~
25 ~~COUNTY, OR COUNTIES, IN WHICH THE MUNICIPAL CORPORATION IS LOCATED.~~

26 ~~(4) (3) A MUNICIPAL CORPORATION AND A COUNTY OR COUNTIES IN~~
27 ~~WHICH THE MUNICIPAL CORPORATION IS LOCATED MAY ENTER INTO A JOINT~~
28 ~~PLANNING AGREEMENT IN ORDER TO COORDINATE IMPLEMENTATION OF A~~
29 ~~MUNICIPAL GROWTH ELEMENT.~~

30 ~~(5) (4) A JOINT PLANNING AGREEMENT SHALL CONSIDER THE~~
31 ~~MUNICIPAL GROWTH ELEMENT REQUIRED UNDER SUBSECTION (A)(4)(X) OF THIS~~
32 ~~SECTION.~~

1 ~~(6)~~ (5) PRIOR TO APPROVAL OF A MUNICIPAL GROWTH ELEMENT, A
 2 MUNICIPAL CORPORATION SHALL:

3 (I) PROVIDE A COPY OF THE MUNICIPAL GROWTH ELEMENT TO
 4 THE COUNTY, OR COUNTIES, IN WHICH THE MUNICIPAL CORPORATION IS LOCATED;
 5 AND

6 (II) FOR 30 DAYS AFTER PROVIDING A COPY OF THE MUNICIPAL
 7 GROWTH ELEMENT TO THE COUNTY OR COUNTIES, IN WHICH THE MUNICIPAL
 8 CORPORATION IS LOCATED, THE MUNICIPAL CORPORATION SHALL ACCEPT
 9 COMMENTS FROM THE COUNTY OR COUNTIES.

10 ~~(7)~~ (6) (I) WITHIN 30 DAYS FOLLOWING THE CLOSE OF THE
 11 COMMENT PERIOD FOR THE COUNTY OR COUNTIES UNDER PARAGRAPH (6) OF THIS
 12 SUBSECTION, A COUNTY AND A MUNICIPAL CORPORATION SHALL MEET AND
 13 CONFER REGARDING THE MUNICIPAL GROWTH ELEMENT.

14 (II) ON REQUEST OF EITHER PARTY, THE COUNTY AND MUNICIPAL
 15 CORPORATION SHALL EMPLOY THE MEDIATION AND CONFLICT RESOLUTION OFFICE
 16 TO FACILITATE THE REQUIREMENTS UNDER THIS PARAGRAPH.

17 (F) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A COUNTY OR A
 18 MUNICIPAL CORPORATION MUST INCLUDE ANY PLAN ELEMENT REQUIRED UNDER
 19 THIS SECTION IN ITS COMPREHENSIVE PLAN ON OR BEFORE OCTOBER 1, 2009.

20 (2) ON A REQUEST BY A COUNTY OR MUNICIPAL CORPORATION THAT
 21 SHOWS GOOD CAUSE FOR EXTENDING THE TIME LIMIT TO COMPLY WITH
 22 PARAGRAPH (1) OF THIS SUBSECTION, THE DEPARTMENT OF PLANNING MAY GRANT
 23 UP TO TWO 6-MONTH EXTENSIONS TO THAT COUNTY OR MUNICIPAL CORPORATION.

24 (3) A COUNTY OR MUNICIPAL CORPORATION THAT IS NOT IN
 25 COMPLIANCE WITH PARAGRAPH (1) OF THIS SUBSECTION AFTER OCTOBER 1, 2009, OR
 26 AFTER THE EXPIRATION OF ANY EXTENSIONS GRANTED UNDER PARAGRAPH (2) OF
 27 THIS SUBSECTION, MAY NOT CHANGE THE ZONING CLASSIFICATION OF A PROPERTY
 28 UNTIL THAT COUNTY OR MUNICIPAL CORPORATION COMPLIES WITH THE
 29 REQUIREMENTS OF THIS SUBSECTION.

30 **Article - State Finance and Procurement**

31 5-7B-02.

32 The following areas shall be considered priority funding areas under this
 33 subtitle:

34 (1) a municipal corporation, including Baltimore City, except THAT:

35 (I) those areas annexed by a municipal corporation after January
 36 1, 1997 BUT BEFORE OCTOBER 1, 2006 shall satisfy requirements relating to density
 37 and service by water and sewer set forth in § 5-7B-03 of this subtitle; AND

1 (II) THOSE AREAS ANNEXED BY A MUNICIPAL CORPORATION
2 AFTER SEPTEMBER 30, 2006, SHALL SATISFY ALL OF THE REQUIREMENTS SET FORTH
3 IN § 5-7B-03 OF THIS SUBTITLE;

4 (2) a designated neighborhood, as defined in § 6-301 of the Housing and
5 Community Development Article;

6 (3) an enterprise zone as designated under Article 83A, § 5-402 of the
7 Code, or by the United States government;

8 (4) a certified heritage area as defined in §§ 13-1101 and 13-1111 of the
9 Financial Institutions Article that is located within a locally designated growth area;

10 (5) those areas of the State located between Interstate Highway 495 and
11 the District of Columbia;

12 (6) those areas of the State located between Interstate Highway 695 and
13 Baltimore City; and

14 (7) an area designated by the governing body of a county OR MUNICIPAL
15 CORPORATION under § 5-7B-03 of this subtitle.

16 5-7B-03.

17 (a) (1) The governing body of a county OR OF A MUNICIPAL CORPORATION
18 may designate priority funding areas as provided in this section.

19 (2) The governing bodies of two or more ADJOINING counties, TWO OR
20 MORE MUNICIPAL CORPORATIONS, OR ANY COMBINATION OF ADJOINING COUNTIES
21 AND MUNICIPAL CORPORATIONS may designate, as provided in this section and in
22 accordance with the regulations adopted by the Department of Planning, a priority
23 funding area that combines two or more contiguous areas located in each of the
24 [counties] LOCAL GOVERNMENTS.

25 (b) (1) An area zoned or, if applicable, classified by January 1, 1997
26 principally for industrial use may be designated as a priority funding area.

27 (2) An area zoned or, if applicable, classified after January 1, 1997, as
28 industrial may be designated as a priority funding area if the area is served by a
29 public or community sewer system.

30 (c) (1) An area where the principal uses of the area are for employment may
31 be designated as a priority funding area if:

32 (i) the area is served by public or community sewer systems; or

33 (ii) public or community sewer systems are planned in the approved
34 10-year water and sewer plan.

35 (2) An area zoned or, if applicable, classified after January 1, 1997 as
36 industrial, or where the principal uses are for employment, in addition to meeting the

1 criteria set forth in paragraph (1) of this subsection, shall be located within a locally
2 designated growth area.

3 (d) (1) A community in existence prior to January 1, 1997 that is within a
4 locally designated growth area may be designated as a priority funding area if the
5 community:

6 (i) is served by a public or community sewer system and in that
7 part of the community designated by the local government for residential use or
8 development:

9 1. there is an average density of at least 2.0 units per acre; or

10 2. if a portion of the community is undeveloped, the
11 permitted average density is not less than 2.0 units per acre; or

12 (ii) except as provided in paragraph (2) of this subsection, is served
13 by a public or community water system and in that part of the community designated
14 by the local government for residential use or development there is an average
15 density of at least 2.0 units per acre.

16 (2) (i) The provisions of paragraph (1)(ii) of this subsection do not
17 apply to mobile home parks or communities with less than 10 units.

18 (ii) Funding for a growth-related project under paragraph (1)(ii) of
19 this subsection is to be provided only if the project serves to maintain the character of
20 the community and does not serve to increase the growth capacity of the community
21 except for limited peripheral or in-fill development.

22 (3) (i) If an existing community receives a public or community sewer
23 system, an area beyond the periphery of the developed portion of the existing
24 community may be designated as a priority funding area if the development of the
25 area beyond the periphery:

26 1. has a permitted average density of at least 3.5 units per
27 acre; and

28 2. the area is served by a public or community sewer system.

29 (ii) The Department of the Environment may provide funding for a
30 sewer system in an existing community beyond the periphery of the developed portion
31 of the community if the expansion has a permitted average density of at least 3.5
32 units per acre.

33 (e) An area, other than an existing community under subsection (d) of this
34 section, may be designated as a priority funding area if:

35 (1) the area:

1 (i) is within a locally designated growth area of the [county]
2 LOCAL GOVERNMENT; and

3 (ii) is planned to be served under the approved 10-year water and
4 sewer plan;

5 (2) the designation represents a long-term development policy for
6 promoting an orderly expansion of growth and an efficient use of land and public
7 services; and

8 (3) in that part of the area designated by the local government for
9 residential use or development, there is permitted an average density of not less than
10 3.5 units per acre.

11 (f) (1) A rural village may be designated as a priority funding area under
12 this section if:

13 (i) the village is designated in the county comprehensive plan as of
14 July 1, 1998; and

15 (ii) the boundary of the priority funding area is the periphery of the
16 developed portion of the village as of July 1, 1998.

17 (2) Funding for a growth-related project under this subtitle is to be
18 provided only if the project serves to maintain the character of the community and
19 does not serve to increase the growth capacity of the village except for limited
20 peripheral or in-fill development.

21 (g) The designation by a county, MUNICIPAL CORPORATION, or [counties]
22 MULTIPLE LOCAL GOVERNMENTS AS PROVIDED IN SUBSECTION (A)(2) OF THIS
23 SECTION, of a priority funding area under this section shall be based on:

24 (1) an analysis of the capacity of land areas available for development,
25 including in-fill and redevelopment; and

26 (2) an analysis of the land area needed to satisfy demand for
27 development at densities consistent with the master plan.

28 (h) For the purposes of this section, average density shall be calculated based
29 on the total acreage of all parcels in the area for which the principal permitted use is
30 residential, excluding land:

31 (1) (i) dedicated for public use by easement in perpetuity or fee
32 acquisition; or

33 (ii) dedicated recreational use;

34 (2) subject to an agricultural easement under § 2-508 of the Agriculture
35 Article;

- 1 (3) subject to an agricultural easement under a county agricultural land
2 preservation program certified under § 5-408 of this title;
- 3 (4) used for cemetery purposes;
- 4 (5) identified by a local government as:
- 5 (i) 1. streams and their buffers;
6 2. 100-year flood plains;
7 3. habitats of threatened and endangered species; and
8 4. steep slopes; and
- 9 (ii) on which development is prohibited by local law or ordinance; or
- 10 (6) identified by a local government as delineated nontidal wetlands on
11 which development is prohibited by State or local law or ordinance.

12 ~~SECTION 2. AND BE IT FURTHER ENACTED, That:~~

13 ~~(a) Subject to subsection (b) of this section, a county or municipal corporation~~
14 ~~must include any plan elements required under Article 66B, § 1.03 or § 3.05 of the~~
15 ~~Code, in its comprehensive plan on or before October 1, 2009.~~

16 ~~(b) On a request by a county or municipal corporation that shows good cause~~
17 ~~for extending the time limit to comply with subsection (a) of this section, the~~
18 ~~Department of Planning may grant up to two 6 month extensions to that county or~~
19 ~~municipal corporation.~~

20 ~~(c) A county or municipal corporation that is not in compliance with~~
21 ~~subsection (a) of this section after October 1, 2009, or after the expiration of any~~
22 ~~extensions granted under subsection (b) of this section, may not change the zoning~~
23 ~~classification of a property until that county or municipal corporation complies with~~
24 ~~the requirements of this section.~~

25 ~~SECTION 3. 2. AND BE IT FURTHER ENACTED, That the General Assembly~~
26 ~~encourages a municipal corporation and the county, or counties, in which the~~
27 ~~municipal corporation is located to enter into a joint planning process to coordinate~~
28 ~~the development of the municipal growth elements of the comprehensive plans that~~
29 ~~are required under Article 66B, § 3.05 of the Code, as enacted by Section 1 of this Act.~~

30 ~~SECTION 4. 3. AND BE IT FURTHER ENACTED, That the General Assembly~~
31 ~~encourages regional coordination among the local governments of two or more~~
32 ~~adjoining counties, two or more municipal corporations, or any combination of~~
33 ~~adjoining counties and municipal corporations to develop a regional long-term~~
34 ~~growth policy.~~

35 ~~SECTION 5. 4. AND BE IT FURTHER ENACTED, That:~~

- 1 (a) There is a Task Force on the Future for Growth and Development in
 2 Maryland.
- 3 (b) (1) The Task Force consists of the following members:
- 4 ~~(1)~~ (i) two members of the House Environmental Matters Committee,
 5 appointed by the Speaker of the House;
- 6 ~~(2)~~ (ii) two members of the Senate Education, Health, and
 7 Environmental Affairs Committee, appointed by the President of the Senate;
- 8 ~~(3)~~ (iii) the Secretary of Planning, or the Secretary's designee;
- 9 (iv) the Secretary of the Environment, or the Secretary's designee;
- 10 ~~(4)~~ (v) the Director the University of Maryland's National Center for
 11 Smart Growth, or the Director's designee;
- 12 ~~(5)~~ (vi) four representatives of local government:
- 13 ~~(i)~~ 1. two designated by the Maryland Municipal League; and
- 14 ~~(ii)~~ 2. two designated by the Maryland Association of Counties;
 15 and
- 16 ~~(6)~~ (vii) the following members, appointed by the Governor:
- 17 ~~(i)~~ 1. one representative of the environmental community; and
- 18 ~~(ii)~~ 2. one representative of the State Builders Association; and
- 19 (iii) one representative of the agricultural community.
- 20 (2) If the Governor appoints a regulated lobbyist to serve as a member of
 21 the Task Force, the lobbyist:
- 22 (i) is not subject to § 15-504(d) of the State Government Article
 23 with respect to that service; and
- 24 (ii) is not subject to § 15-703(f)(3) of the State Government Article as
 25 a result of that service.
- 26 (c) From among its members, the Task Force shall elect a chair of the Task
 27 Force.
- 28 (d) The Department of Planning shall provide staff for the Task Force.
- 29 (e) A member of the Task Force:
- 30 (1) may not receive compensation as a member of the Task Force; but

1 (2) is entitled to reimbursement for expenses under the Standard State
2 Travel Regulations, as provided in the State budget.

3 (f) The Task Force shall:

4 (1) study current land use policies and their impact on growth in the
5 State;

6 (2) study current trends and challenges for municipal corporations and
7 counties as they relate to growth, including population and demographic changes;

8 (3) analyze the capabilities of municipal corporations and counties to
9 plan for future growth and development;

10 (4) analyze the impacts of county development proximate to municipal
11 corporate limits on municipal infrastructure, *water resources*, and sensitive areas;

12 (5) analyze the impacts of municipal growth and development on county
13 infrastructure, *water resources*, and sensitive areas;

14 (6) identify regional growth and development issues;

15 (7) study mechanisms to facilitate joint planning to coordinate growth
16 and development between municipal corporations and counties; ~~and~~

17 (8) examine the impact of § 1.03(e) and § 3.05(f) of Article 66B of the Code
18 on a local government's ability to establish a floating zone on a property or grant
19 piecemeal rezoning of a specific property; and

20 ~~(8)~~ (9) make recommendations to implement law or regulations that
21 further best management practices as they relate to future growth and development
22 in the State.

23 (g) On or before December 1, 2007, the Task Force shall report its findings and
24 recommendations to the Speaker of the House, the President of the Senate, the House
25 Environmental Matters Committee, the Senate Education, Health, and
26 Environmental Affairs Committee, and the Governor, in accordance with § 2-1246 of
27 the State Government Article.

28 SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall be
29 construed to apply only prospectively and may not be applied or interpreted to have
30 any effect on or application to any annexation:

31 (a) that was initiated either by resolution, in accordance with § 19(b) of Article
32 23A of the Code, or by written petition, in accordance with § 19(c) of Article 23A of the
33 Code, before the effective date of this Act; and

34 (b) in which final enactment of the annexation resolution, as described in §
35 19(e) of Article 23A of the Code, will occur by January 1, 2007.

1 SECTION 6. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2006.