

# HOUSE BILL 295

M1, L1

(9lr0230)

## ENROLLED BILL

—Environmental Matters/Education, Health, and Environmental Affairs—

Introduced by **The Speaker (By Request - Administration) and Delegates Lafferty, Ali, Barve, Beidle, Cane, Carr, V. Clagett, Feldman, Gaines, Gutierrez, Guzzone, Healey, Howard, Hucker, Lee, Mizeur, Montgomery, and Niemann**

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 **Smart, Green, and Growing - Annual Report - Smart Growth Goals,**  
3 **Measures, and Indicators and Implementation of Planning Visions**

4 FOR the purpose of ~~requiring~~ making certain provisions concerning a certain annual  
5 report applicable to certain local jurisdictions to file an annual report; ~~requiring~~  
6 a certain annual report to be filed on or before a certain date; ~~requiring local~~  
7 ~~jurisdictions a certain annual report to include certain information about smart~~  
8 ~~growth measures and indicators and information about~~ implementation of the  
9 certain planning visions in a certain annual report; making certain findings  
10 concerning land use goals; providing for a certain statewide land use goal;  
11 requiring certain local jurisdictions to develop a certain goal towards achieving

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### EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

*Italics* indicate opposite chamber committee amendments.

***Bold italics*** indicate conference committee amendments.



1 ~~a certain statewide land use goal; providing that a local jurisdiction that meets~~  
 2 ~~a certain statewide land use goal shall be given priority in the disbursement of~~  
 3 ~~certain State funds under certain circumstances; requiring the Department of~~  
 4 ~~the Environment to deny or place conditions on certain permits or approvals~~  
 5 ~~under certain circumstances; requiring a certain annual report to include~~  
 6 ~~certain measures and indicators; exempting certain municipal corporations from~~  
 7 ~~certain requirements to establish a certain local goal and to include certain~~  
 8 ~~information in a certain annual report; exempting certain local jurisdictions~~  
 9 ~~from certain requirements to include certain information in a certain annual~~  
 10 ~~report; requiring authorizing the Department of Planning to adopt certain~~  
 11 ~~regulations before a certain date on the concerning the submission and~~  
 12 ~~transmission of measures and indicators in a certain annual report; requiring a~~  
 13 ~~planning commission to hold a hearing on the annual report; requiring the~~  
 14 ~~Department to consider certain factors when developing the measures and~~  
 15 ~~indicators perform certain duties regarding the collection of certain measures~~  
 16 ~~and indicators by certain persons; requiring the Department, in consultation~~  
 17 ~~with the National Center for Smart Growth, to prepare a certain annual report;~~  
 18 ~~making the issuance of certain permits or approvals subject to certain land use~~  
 19 ~~laws; requiring the Governor and each local jurisdiction to establish on or before~~  
 20 ~~a certain date procedures for the review of certain State and local public works,~~  
 21 ~~transportation, or major capital improvement projects; requiring review~~  
 22 ~~procedures for certain State and local public works, transportation, or major~~  
 23 ~~capital improvement projects to prioritize funding for the projects in a certain~~  
 24 ~~manner; requiring the Task Force on the Future for Growth and Development~~  
 25 ~~to make certain recommendations on or before a certain date; providing for the~~  
 26 ~~date of the a certain annual report; requiring the Department to provide~~  
 27 ~~technical assistance to local jurisdictions under certain circumstances; requiring~~  
 28 ~~the National Center, in consultation with the Department, to display certain~~  
 29 ~~information on a certain website; defining certain terms; and generally relating~~  
 30 ~~to annual reports and smart growth goals, measures, and indicators.~~

31 BY repealing and reenacting, with amendments,  
 32 Article 66B – Land Use  
 33 Section 1.02, 2.13, and 3.09  
 34 Annotated Code of Maryland  
 35 (2003 Replacement Volume and 2008 Supplement)

36 BY adding to  
 37 Article 66B – Land Use  
 38 Section 3.10  
 39 Annotated Code of Maryland  
 40 (2003 Replacement Volume and 2008 Supplement)

41 ~~BY repealing and reenacting, with amendments,~~  
 42 ~~Article – Environment~~  
 43 ~~Section 4-103(a), 4-204(a), and 9-324(a)~~  
 44 ~~Annotated Code of Maryland~~

1 ~~(2007 Replacement Volume and 2008 Supplement)~~

2 ~~BY repealing and reenacting, with amendments,~~  
3 ~~Article State Finance and Procurement~~  
4 ~~Section 5-7A-02(c)~~  
5 ~~Annotated Code of Maryland~~  
6 ~~(2006 Replacement Volume and 2008 Supplement)~~

7 Preamble

8 WHEREAS, Advancement of public policy objectives like Smart and Sustainable  
9 Growth are helped by the application and analysis of broadly accepted and reliable  
10 information about land use goals, indicators, trends, forecasts, and metrics; and

11 WHEREAS, Despite its critical importance, limited comprehensive quantitative  
12 information exists to measure how Maryland is growing at the State, regional, and, at  
13 times, local levels. While some measures and indicators exist statewide, additional  
14 ones are needed; and

15 WHEREAS, BayStat is charged with tracking and assessing the progress of  
16 governmental programs to improve the health of the Chesapeake Bay, tracking and  
17 assessing the enforcement of laws and regulations to curb the pollution of the  
18 Chesapeake Bay, providing a forum for the exchange and continuous analysis of data  
19 that will generate new insights for cleaning up the Chesapeake Bay, and identifying  
20 and making recommendations for the establishment of measurable goals in the  
21 process of Chesapeake Bay restoration; and

22 WHEREAS, The National Center for Smart Growth Research and Education at  
23 the University of Maryland College Park was established to provide leadership and  
24 State assistance through research, education, and service on issues pertinent to Smart  
25 Growth and is a repository for State, local, and comparative national data on land use  
26 issues and regularly collects data from the State, local governments, other states, the  
27 federal government, and the private sector; and

28 WHEREAS, Better quantitative information about land use goals, indicators,  
29 trends, forecasts, and metrics will assist the State and local governments in their  
30 efforts to provide accurate and timely data to the public and policymakers for  
31 informational purposes and tracking efforts at BayStat about the efficacy and  
32 cost-effectiveness of governmental programs to restore the vitality of the Chesapeake  
33 Bay and growth and development patterns; and

34 WHEREAS, Some indicators or measures are more appropriately collected by  
35 the State and some indicators should be collected by local governments; and

36 WHEREAS, Since 1970, Article 66B, § 3.09 of the Code has required an annual  
37 report for all local governments with planning authority except for charter counties;  
38 and

1 WHEREAS, The Task Force on the Future for Growth and Development  
 2 recommended that the Department of Planning work with local governments and  
 3 other stakeholders, including the Task Force itself, to jointly develop a set of Smart  
 4 and Sustainable Growth indicators that can be used at the local, regional, and State  
 5 levels; now, therefore,

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

8 **Article 66B – Land Use**

9 1.02.

10 (a) Except as provided in this section, this article does not apply to charter  
 11 counties.

12 (b) The following sections of this article apply to a charter county:

13 (1) § 1.00(j) (Definition of “sensitive areas”);

14 (2) § 1.01 (Visions);

15 (3) § 1.03 (Charter county – Comprehensive plans);

16 (4) § 3.09 (ANNUAL REPORT – PREPARATION AND FILING);

17 (5) § 3.10 (ANNUAL REPORT – ~~MEASURES~~ SMART GROWTH  
 18 GOALS GOALS, MEASURES, AND INDICATORS);

19 [(4)] (6) § 4.01(b)(2) (Regulation of bicycle parking);

20 [(5)] (7) § 5.03(d) (Easements for burial sites);

21 [(6)] (8) § 7.02 (Civil penalty for zoning violation);

22 [(7)] (9) § 10.01 (Adequate Public Facilities Ordinances);

23 [(8)] (10) § 11.01 (Transfer of Development Rights);

24 [(9)] (11) § 12.01 (Inclusionary Zoning);

25 [(10)] (12) Except in Montgomery County or Prince George’s County, §  
 26 13.01 (Development rights and responsibilities agreements);

27 [(11)] (13) For Baltimore County only, § 14.02; and

1 [(12)] (14) For Howard County only, § 14.06.1.

2 (c) This section supersedes any inconsistent provision of Article 28 of the  
3 Code.

4 2.13.

5 (a) Except as provided in subsection (b) of this section, §§ 3.01 through 8.15  
6 of this article do not apply in Baltimore City.

7 (b) The following sections of this article apply to Baltimore City:

8 (1) § 1.00(j) (Definition of “sensitive areas”);

9 (2) § 1.01 (Visions);

10 (3) § 1.03 (Charter county – Comprehensive plans);

11 (4) § 3.09 (ANNUAL REPORT – PREPARATION AND FILING);

12 (5) § 3.10 (ANNUAL REPORT – ~~MEASURES~~ SMART GROWTH  
13 GOALS GOALS, MEASURES, AND INDICATORS);

14 [(4)] (6) § 4.01(b)(2) (Regulation of bicycle parking);

15 [(5)] (7) § 5.03(d) (Easements for burial sites);

16 [(6)] (8) § 7.02 (Civil penalty for zoning violation);

17 [(7)] (9) § 10.01 (Adequate Public Facilities Ordinances);

18 [(8)] (10) § 11.01 (Transfer of Development Rights);

19 [(9)] (11) § 12.01 (Inclusionary Zoning); and

20 [(10)] (12) § 13.01 (Development Rights and Responsibilities  
21 Agreements).

22 3.09.

23 (A) IN THIS SECTION, “PLANNING COMMISSION” INCLUDES A PLANNING  
24 COMMISSION OR BOARD ESTABLISHED UNDER ARTICLE 25A OR ARTICLE 28 OF  
25 THE CODE.

1            [(a)] (B)     A planning commission shall prepare, adopt, and file an annual  
 2 report, **ON OR BEFORE ~~MARCH~~ JULY 1 OF EACH YEAR FOR THE PREVIOUS**  
 3 **CALENDAR YEAR**, with the local legislative body.

4            [(b)] (C)     The annual report shall:

5                    (1)     Index and locate on a map all changes in development patterns  
 6 which occurred during the period covered by the report, including land use,  
 7 transportation, community facilities patterns, zoning map amendments, and  
 8 subdivision plats;

9                    (2)     State whether these changes are or are not consistent with:

10                    (i)     Each other;

11                    (ii)    The recommendations of the last annual report;

12                    (iii)   The adopted plans of the local jurisdiction;

13                    (iv)    The adopted plans of all adjoining local jurisdictions; and

14                    (v)     The adopted plans of State and local jurisdictions that have  
 15 responsibility for financing or constructing public improvements necessary to  
 16 implement the local jurisdiction's plan; [and]

17                    (3)     Contain statements and recommendations for improving the  
 18 planning and development process within the local jurisdiction; **AND**

19                    (4)     **STATE WHICH ORDINANCES OR REGULATIONS HAVE BEEN**  
 20 **ADOPTED OR CHANGED TO IMPLEMENT THE VISIONS IN § 1.01 OF THIS ARTICLE**  
 21 **AS REQUIRED UNDER § 1.03(E) OR § 4.09 OF THIS ARTICLE.**

22            ~~(D) (1) THE PLANNING COMMISSION SHALL HOLD A PUBLIC HEARING~~  
 23 ~~ON THE ANNUAL REPORT WITHIN 60 DAYS AFTER THE REPORT HAS BEEN~~  
 24 ~~SUBMITTED TO THE LOCAL LEGISLATIVE BODY.~~

25            ~~(2) (I) THE PUBLIC HEARING SHALL INCLUDE AN~~  
 26 ~~OPPORTUNITY FOR CITIZENS TO COMMENT ON THE REPORT.~~

27            ~~(II) THE PUBLIC HEARING REQUIRED UNDER PARAGRAPH~~  
 28 ~~(1) OF THIS SUBSECTION MAY BE COMBINED WITH A REGULARLY SCHEDULED~~  
 29 ~~MEETING OF THE PLANNING COMMISSION.~~

30            ~~(3) THE DEPARTMENT OF PLANNING MAY SUBMIT COMMENTS ON~~  
 31 ~~THE REPORT.~~

1           [(c)] ~~(E)~~ (D) The local legislative body shall review the annual report and direct  
2 that any appropriate and necessary studies and other actions be undertaken to insure  
3 the continuation of a viable planning and development process.

4           [(d)] ~~(F)~~ (E) (1) The annual report shall be made available for public  
5 inspection.

6                   (2) A copy of the report shall be mailed to the Secretary of the  
7 Department of Planning.

8                   (3) **THE DEPARTMENT OF PLANNING MAY SUBMIT COMMENTS ON**  
9 **THE REPORT.**

10 **3.10.**

11           (A) (1) **IN THIS SECTION, THE FOLLOWING WORDS HAVE THE**  
12 **MEANINGS INDICATED.**

13                   (2) ~~**“INCREMENTAL PROGRESS” MEANS AN INCREASE IN THE**~~  
14 ~~**PERCENTAGE OF RESIDENTIAL GROWTH LOCATED WITHIN A PRIORITY FUNDING**~~  
15 ~~**AREA AND A DECREASE IN THE PERCENTAGE OF NEW DEVELOPED ACRES**~~  
16 ~~**LOCATED IN PRIORITY PRESERVATION AREAS AND GREEN INFRASTRUCTURE**~~  
17 ~~**AREAS.**~~

18                   (3) **“NATIONAL CENTER” MEANS THE NATIONAL CENTER FOR**  
19 **SMART GROWTH RESEARCH AND EDUCATION AT THE UNIVERSITY OF**  
20 **MARYLAND COLLEGE PARK.**

21                   (4) (3) **“PRIORITY PRIORITY FUNDING AREA” HAS THE**  
22 **MEANING STATED IN § 5-7B-02 OF THE STATE FINANCE AND PROCUREMENT**  
23 **ARTICLE.**

24           (B) (1) **THE GENERAL ASSEMBLY FINDS THAT:**

25                   (I) **IN ADDITION TO REPORTING ON PAST LAND USE**  
26 **INDICATORS AND MEASURES, LOCAL JURISDICTIONS SHOULD STRIVE TO**  
27 **ACHIEVE FUTURE LAND USE GOALS THAT IMPLEMENT AND ACHIEVE THE**  
28 **VISIONS IN § 1.01 OF THIS ARTICLE;**

29                   (II) **A STATEWIDE LAND USE GOAL THAT EMBODIES THE**  
30 **VISIONS IN § 1.01 OF THIS ARTICLE AND SMART AND SUSTAINABLE GROWTH**  
31 **SHOULD BE ESTABLISHED;**

1            (III) THE VISIONS IN § 1.01 OF THIS ARTICLE WILL NOT BE  
2 REALIZED UNLESS LOCAL JURISDICTIONS SET THEIR OWN GOAL TO MAKE  
3 INCREMENTAL PROGRESS TOWARDS ACHIEVING A STATEWIDE LAND USE GOAL;  
4 AND

5            (IV) RESOURCES ARE NECESSARY TO ACHIEVE A STATEWIDE  
6 GOAL, INCLUDING FUNDING NECESSARY FOR INFRASTRUCTURE INSIDE THE  
7 PRIORITY FUNDING AREAS AND LAND PRESERVATION OUTSIDE THE PRIORITY  
8 FUNDING AREAS.

9            (2) THE STATEWIDE LAND USE GOAL IS THAT:

10            (I) 80% OF RESIDENTIAL GROWTH BE LOCATED WITHIN  
11 PRIORITY FUNDING AREAS; AND

12            (II) NOT MORE THAN 5% OF NEW DEVELOPED ACRES ARE  
13 LOCATED IN PRIORITY PRESERVATION AREAS AND GREEN INFRASTRUCTURE  
14 AREAS

15            (I) THE STATEWIDE LAND USE GOAL IS TO INCREASE THE  
16 CURRENT PERCENTAGE OF GROWTH LOCATED WITHIN THE PRIORITY FUNDING  
17 AREAS AND TO DECREASE THE PERCENTAGE OF GROWTH LOCATED OUTSIDE THE  
18 PRIORITY FUNDING AREAS.

19            (II) LOCAL JURISDICTIONS SHALL DEVELOP A PERCENTAGE  
20 GOAL TOWARDS ACHIEVING THE STATEWIDE GOAL.

21            (3) EXCEPT AS PROVIDED UNDER PARAGRAPH (7) OF THIS  
22 SUBSECTION, LOCAL JURISDICTIONS THAT DO NOT MEET THE STATEWIDE LAND  
23 USE GOAL IN PARAGRAPH (2) OF THIS SUBSECTION SHALL DEVELOP A  
24 PERCENTAGE GOAL FOR INCREMENTAL PROGRESS TOWARDS ACHIEVING THE  
25 STATEWIDE LAND USE GOAL BY 2012 AND EVERY 3 YEARS THEREAFTER.

26            (4) EXCEPT AS PROVIDED UNDER PARAGRAPHS (7) AND (8) OF  
27 THIS SUBSECTION, A LOCAL JURISDICTION THAT MEETS THE STATEWIDE LAND  
28 USE GOAL OR MAKES INCREMENTAL PROGRESS TOWARD THE STATEWIDE LAND  
29 USE GOAL AT THE RATE OF AT LEAST 5% EVERY 3 YEARS SHALL BE GIVEN  
30 PRIORITY IN THE DISBURSEMENT OF THE STATE FUNDS THAT ARE PROVIDED  
31 FOR GROWTH RELATED PROJECTS, AS DEFINED IN § 5-7B-01(C) OF THE STATE  
32 FINANCE AND PROCUREMENT ARTICLE.

33            (5) EXCEPT AS PROVIDED UNDER PARAGRAPHS (7) AND (8) OF  
34 THIS SUBSECTION AND SUBJECT TO PARAGRAPH (6) OF THIS SUBSECTION, IF A  
35 LOCAL JURISDICTION FAILS TO DEMONSTRATE INCREMENTAL PROGRESS



~~TOWARD THE STATEWIDE LAND USE GOAL, THE DEPARTMENT OF THE ENVIRONMENT SHALL DENY OR PLACE CONDITIONS ON THE FOLLOWING PERMITS OR APPROVALS FOR PROPOSED PROJECTS OUTSIDE PRIORITY FUNDING AREAS:~~

~~(I) A GRADING PERMIT FOR DEVELOPMENT DISTURBING 40,000 SQUARE FEET OR MORE, AUTHORIZED UNDER § 4-103 OF THE ENVIRONMENT ARTICLE;~~

~~(II) APPROVAL OF A STORMWATER MANAGEMENT PLAN FOR DEVELOPMENT DISTURBING 40,000 SQUARE FEET OR MORE, AUTHORIZED UNDER § 4-204 OF THE ENVIRONMENT ARTICLE;~~

~~(III) A GENERAL DISCHARGE PERMIT FOR STORMWATER RELATED TO CONSTRUCTION ACTIVITIES DISTURBING ONE OR MORE ACRES OF LAND, AUTHORIZED UNDER § 9-324 OF THE ENVIRONMENT ARTICLE;~~

~~(IV) AN INDIVIDUAL DISCHARGE PERMIT FOR STORMWATER RELATED TO CONSTRUCTION ACTIVITIES DISTURBING ONE OR MORE ACRES OF LAND, AUTHORIZED UNDER § 9-324 OF THE ENVIRONMENT ARTICLE; AND~~

~~(V) APPROVAL OF AN AMENDMENT TO A COUNTY WATER AND SEWERAGE PLAN THAT WOULD FACILITATE THE EXPANSION OF PUBLIC OR COMMUNITY WATER OR SEWER SERVICE.~~

~~(6) A CONDITION PLACED ON A PERMIT OR APPROVAL LISTED IN PARAGRAPH (5) OF THIS SUBSECTION SHALL BE DESIGNED IN CONSULTATION WITH THE DEPARTMENT OF PLANNING TO ENSURE THAT THE ACTIVITY FOR WHICH THE PERMIT OR APPROVAL IS SOUGHT IS NOT INCOMPATIBLE WITH SATISFYING THE LOCAL GOAL DEVELOPED UNDER PARAGRAPH (3) OF THIS SUBSECTION.~~

~~(7) PARAGRAPHS (3), (4), AND (5) OF THIS SUBSECTION DO NOT APPLY;~~

~~(I) TO A LOCAL JURISDICTION THAT ISSUES FEWER THAN 50 BUILDING PERMITS FOR NEW RESIDENTIAL UNITS PER YEAR; OR~~

~~(II) TO A MUNICIPAL CORPORATION IF ALL LAND WITHIN THE BOUNDARIES OF THE MUNICIPAL CORPORATION IS WITHIN A PRIORITY FUNDING AREA.~~

~~(8) PARAGRAPHS (4) AND (5) OF THIS SUBSECTION DO NOT APPLY;~~

1 ~~(I) BEFORE OCTOBER 1, 2012; OR~~

2 ~~(II) IN THE EVENT OF AN URGENT THREAT TO PUBLIC~~  
3 ~~HEALTH OR SAFETY.~~

4 ~~(9) PARAGRAPHS (4) AND (5) OF THIS SUBSECTION MAY NOT BE~~  
5 ~~CONSTRUED TO AFFECT A DEVELOPMENT PROJECT, INCLUDING THE PLANS FOR~~  
6 ~~THE PROJECT AND ANY SUBSEQUENT PERMITS RELATED TO THOSE PLANS, IF~~  
7 ~~THE PROJECT IS GRANTED FINAL PLAN APPROVAL ON OR AFTER THE DATE ON~~  
8 ~~WHICH THE MOST RECENT ANNUAL REPORT IS FILED BY A LOCAL JURISDICTION~~  
9 ~~DEMONSTRATING INCREMENTAL PROGRESS TOWARD THE STATEWIDE LAND USE~~  
10 ~~GOAL UNDER PARAGRAPH (2) OF THIS SUBSECTION.~~

11 ~~(B) (C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) PARAGRAPHS~~  
12 ~~(2), (3), AND (4) (2) AND (3) OF THIS SUBSECTION, THE ANNUAL REPORT~~  
13 ~~REQUIRED TO BE FILED UNDER § 3.09 OF THIS ARTICLE SHALL INCLUDE~~  
14 ~~INFORMATION ON THE FOLLOWING MEASURES AND INDICATORS; IF~~  
15 ~~APPLICABLE, ADOPTED IN ACCORDANCE WITH SUBSECTION (C) OF THIS~~  
16 ~~SECTION.~~

17 ~~(I) THE AMOUNT AND SHARE OF GROWTH THAT IS BEING~~  
18 ~~LOCATED INSIDE AND OUTSIDE THE PRIORITY FUNDING AREAS;~~

19 ~~(II) THE NET DENSITY OF GROWTH THAT IS BEING LOCATED~~  
20 ~~INSIDE AND OUTSIDE THE PRIORITY FUNDING AREAS;~~

21 ~~(III) THE CREATION OF NEW LOTS AND THE ISSUANCE OF~~  
22 ~~RESIDENTIAL AND COMMERCIAL BUILDING PERMITS INSIDE AND OUTSIDE THE~~  
23 ~~PRIORITY FUNDING AREAS;~~

24 ~~(IV) THE DEVELOPMENT CAPACITY ANALYSIS, UPDATED~~  
25 ~~ONCE EVERY 3 YEARS OR WHEN THERE IS A SIGNIFICANT CHANGE IN ZONING OR~~  
26 ~~LAND USE PATTERNS;~~

27 ~~(V) THE NUMBER OF ACRES PRESERVED USING LOCAL~~  
28 ~~AGRICULTURAL LAND PRESERVATION FUNDING, IF APPLICABLE; AND~~

29 ~~(VI) THE DECREASE IN VEHICLE MILES TRAVELED PER~~  
30 ~~CAPITA;~~

31 ~~(VII) THE INCREASE IN THE PERCENTAGE OF NEW HOUSING~~  
32 ~~UNITS AFFORDABLE TO HOUSEHOLDS EARNING 80% OR LESS OF AREA MEDIAN~~  
33 ~~INCOME AND HOUSEHOLDS EARNING 50% OR LESS OF AREA MEDIAN INCOME;~~

~~(VIII) THE PRACTICES FOR ENSURING THAT WASTEWATER AND STORMWATER DISCHARGES FROM NEW DEVELOPMENT DO NOT EXCEED THE ASSIMILATIVE CAPACITY OF LOCAL WATER BODIES; AND~~

~~(IX) THE FOLLOWING INFORMATION ON ACHIEVING THE STATEWIDE GOAL STATED UNDER SUBSECTION (B)(2) OF THIS SECTION:~~

1. THE LOCAL GOAL;

2. THE TIME FRAME FOR ACHIEVING THE LOCAL GOAL;

3. THE RESOURCES NECESSARY FOR INFRASTRUCTURE INSIDE THE PRIORITY FUNDING AREAS AND LAND PRESERVATION OUTSIDE THE PRIORITY FUNDING AREAS; AND

4. ANY INCREMENTAL PROGRESS MADE TOWARDS ACHIEVING THE LOCAL GOAL.

(2) IF ALL LAND WITHIN THE BOUNDARIES OF A MUNICIPAL CORPORATION IS A PRIORITY FUNDING AREA, THE MUNICIPAL CORPORATION IS NOT REQUIRED TO:

(I) ESTABLISH A LOCAL GOAL FOR ACHIEVING THE STATEWIDE GOAL STATED UNDER SUBSECTION (B)(2) OF THIS SECTION; OR

(II) INCLUDE INFORMATION IN THE ANNUAL REPORT ON A LOCAL GOAL AS REQUIRED UNDER PARAGRAPH(1)~~(IX)~~ (VI) OF THIS SUBSECTION.

~~(3) A MUNICIPAL CORPORATION IS NOT REQUIRED TO INCLUDE INFORMATION IN THE ANNUAL REPORT AS REQUIRED UNDER PARAGRAPH (1)(VI) OF THIS SUBSECTION.~~

~~(2)(4)~~ (I) A COUNTY OR MUNICIPAL CORPORATION THAT ISSUES FEWER THAN 50 BUILDING PERMITS FOR NEW RESIDENTIAL UNITS PER YEAR IS NOT REQUIRED TO INCLUDE INFORMATION IN THE ANNUAL REPORT ON MEASURES AND INDICATORS LISTED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

~~(3)~~ (II) A COUNTY OR MUNICIPAL CORPORATION SHALL PROVIDE THE DEPARTMENT OF PLANNING DOCUMENTATION ANNUALLY THAT LESS THAN 50 BUILDING PERMITS FOR NEW RESIDENTIAL UNITS ARE ISSUED.

1           ~~(C)~~ (D)       (1) ~~THE~~ IN ACCORDANCE WITH TITLE 2, SUBTITLE 5 AND  
2 TITLE 10, SUBTITLE 1 OF THE STATE GOVERNMENT ARTICLE, THE  
3 DEPARTMENT OF PLANNING SHALL MAY ADOPT REGULATIONS THAT IDENTIFY  
4 MEASURES AND INDICATORS THAT A LOCAL JURISDICTION IS REQUIRED TO  
5 COLLECT AND INCLUDE DETAIL THE MANNER IN WHICH THE MEASURES AND  
6 INDICATORS REQUIRED UNDER SUBSECTION (C) OF THIS SECTION ARE  
7 SUBMITTED AND TRANSMITTED IN THE ANNUAL REPORT.

8                   ~~(2)~~ ~~WHEN DEVELOPING THE MEASURES AND INDICATORS, THE~~  
9 ~~DEPARTMENT OF PLANNING SHALL:~~

10                           ~~(I)~~ ~~TAKE INTO ACCOUNT DIFFERENCES IN LOCAL~~  
11 ~~JURISDICTIONS;~~

12                           ~~(II)~~ ~~CONSIDER MEASURES AND INDICATORS THAT CAN BE~~  
13 ~~USED AT THE LOCAL, REGIONAL, AND STATE LEVEL; AND~~

14                           ~~(III)~~ ~~CONSIDER WHICH MEASURES OR INDICATORS MAY BE~~  
15 ~~COLLECTED BY THE STATE AND WHICH MEASURES OR INDICATORS MAY BE~~  
16 ~~COLLECTED BY THE LOCAL JURISDICTION; AND~~

17                           ~~(IV)~~ ~~CONSIDER THE CAPACITY OF THE LOCAL JURISDICTION~~  
18 ~~TO COLLECT THE MEASURES OR INDICATORS AND THE RELEVANCE OF THE~~  
19 ~~INDICATOR OR MEASURE TO A PARTICULAR JURISDICTION.~~

20                   (2) THE DEPARTMENT OF PLANNING SHALL:

21                           (I) DEVELOP MEASURES AND INDICATORS THAT WILL BE  
22 COLLECTED BY THE DEPARTMENT; AND

23                           (II) CONSIDER WHICH MEASURES OR INDICATORS CAN BE  
24 COLLECTED BY THE NATIONAL CENTER.

25           ~~(D)~~ ~~THE MEASURES AND INDICATORS SHALL BE LIMITED TO THE~~  
26 ~~FOLLOWING CATEGORIES OF INFORMATION:~~

27                           ~~(1)~~ ~~THE AMOUNT AND SHARE OF GROWTH THAT IS BEING~~  
28 ~~LOCATED INSIDE AND OUTSIDE THE PRIORITY FUNDING AREAS;~~

29                           ~~(2)~~ ~~THE DENSITY OF GROWTH THAT IS BEING LOCATED INSIDE~~  
30 ~~AND OUTSIDE THE PRIORITY FUNDING AREAS;~~

1           ~~(3) THE CREATION OF NEW LOTS AND THE ISSUANCE OF~~  
2 ~~BUILDING PERMITS INSIDE AND OUTSIDE THE PRIORITY FUNDING AREAS;~~

3           ~~(4) THE HOUSING CHOICES, INCLUDING AFFORDABILITY;~~

4           ~~(5) THE IMPACT OF GROWTH ON THE ENVIRONMENT, INCLUDING~~  
5 ~~LAND, AIR, AND WATER;~~

6           ~~(6) AGRICULTURAL PRESERVATION;~~

7           ~~(7) DEVELOPMENT CAPACITY ANALYSIS;~~

8           ~~(8) THE FISCAL COST OF GROWTH;~~

9           ~~(9) THE JOB AND HOUSING BALANCE;~~

10          ~~(10) THE IMPACT OF TRANSPORTATION ON GROWTH;~~

11          ~~(11) THE IMPACT OF GROWTH ON BUSINESS, INCLUDING JOB~~  
12 ~~CREATION, FISCAL IMPACT, AGRIBUSINESS, TOURISM, AND FORESTRY; AND~~

13          ~~(12) THE IMPACT OF GROWTH ON CULTURAL AND HISTORIC~~  
14 ~~RESOURCES.~~

15           (E) ON OR BEFORE JANUARY 1 OF EACH YEAR, THE DEPARTMENT  
16 OF PLANNING, IN CONSULTATION WITH THE NATIONAL CENTER, SHALL SUBMIT  
17 A REPORT TO THE GOVERNOR AND GENERAL ASSEMBLY, IN ACCORDANCE WITH  
18 § 2-1246 OF THE STATE GOVERNMENT ARTICLE, ON THE MEASURES AND  
19 INDICATORS COLLECTED UNDER THIS SECTION.

20   ~~Article—Environment~~

21           ~~4-103.~~

22           ~~(a) (1) A county or municipality may issue grading and building permits~~  
23 ~~as provided by law.~~

24           ~~(2) A grading or building permit may not be issued until the developer:~~

25                                   ~~(i) Submits a grading and sediment control plan approved by:~~

26   ~~1. The appropriate soil conservation district; or~~

27   ~~2. A municipal corporation in Montgomery County that~~  
28 ~~is designated under paragraph (4) of this subsection; and~~

1 ~~(ii) Certifies that all land clearing, construction, and~~  
2 ~~development will be done under the plan.~~

3 ~~(3) Criteria for sediment control and the procedure for referring an~~  
4 ~~applicant to the appropriate soil conservation district shall be acceptable to the soil~~  
5 ~~conservation district and the Department of the Environment.~~

6 ~~(4) A soil conservation district may delegate approval authority of a~~  
7 ~~grading and sediment control plan to a municipal corporation in Montgomery County~~  
8 ~~that:~~

9 ~~(i) Has its own sediment control review provisions that are at~~  
10 ~~least as stringent as the provisions of the grading and sediment control plan of the soil~~  
11 ~~conservation district;~~

12 ~~(ii) Issues sediment control permits; and~~

13 ~~(iii) Meets the necessary performance standards established by~~  
14 ~~written agreement between the district and the municipal corporation.~~

15 ~~(5) A GRADING OR BUILDING PERMIT FOR A DISTURBANCE OF~~  
16 ~~40,000 SQUARE FEET OR MORE MAY NOT BE ISSUED IF PROHIBITED UNDER~~  
17 ~~ARTICLE 66B, § 3.10 OF THE CODE.~~

18 ~~4-204.~~

19 ~~(a) (1) [After July 1, 1984, unless] UNLESS exempted, a person may not~~  
20 ~~develop any land for residential, commercial, industrial, or institutional use without~~  
21 ~~submitting a stormwater management plan to the county or municipality that has~~  
22 ~~jurisdiction, and obtaining approval of the plan from the county or municipality.~~

23 ~~(2) A grading or building permit may not be issued for a property~~  
24 ~~unless:~~

25 ~~(I) [a] A stormwater management plan has been approved~~  
26 ~~that is consistent with this subtitle; AND~~

27 ~~(II) ISSUANCE IS NOT PROHIBITED UNDER ARTICLE 66B, §~~  
28 ~~3.10 OF THE CODE.~~

29 ~~9-324.~~

30 ~~(a) (1) [Subject] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS~~  
31 ~~SUBSECTION, AND SUBJECT to the provisions of this section, the Department may~~  
32 ~~issue a discharge permit if the Department finds that the discharge meets:~~

1 ~~[(1)] (I) All applicable State and federal water quality standards and~~  
 2 ~~effluent limitations; and~~

3 ~~[(2)] (H) All other requirements of this subtitle.~~

4 ~~(2) THE DEPARTMENT MAY NOT ISSUE A PERMIT UNDER THIS~~  
 5 ~~SECTION IF PROHIBITED UNDER ARTICLE 66B, § 3.10 OF THE CODE.~~

6 ~~Article State Finance and Procurement~~

7 ~~5-7A-02.~~

8 ~~(e) By December 1, [1992] 2009, the Governor shall establish procedures for~~  
 9 ~~review of State projects under subsection (a) of this section, and each local jurisdiction~~  
 10 ~~shall establish procedures for the review of local projects under subsection (b) of this~~  
 11 ~~section, to:~~

12 ~~(1) ensure that the projects are consistent with their respective policy~~  
 13 ~~and plans; [AND]~~

14 ~~(2) PRIORITIZE FUNDING FOR PROJECTS BASED ON THE DEGREE~~  
 15 ~~OF INCREMENTAL PROGRESS MADE TOWARD SATISFACTION OF THE STATEWIDE~~  
 16 ~~LAND USE GOAL SET FORTH IN ARTICLE 66B, § 3.10 OF THE CODE; AND~~

17 ~~(3) evaluate extraordinary circumstances under subsections (a)(2) and~~  
 18 ~~(b)(2) of this section, respectively.~~

19 SECTION 2. AND BE IT FURTHER ENACTED, That:

20 (a) After consulting with local governments, the National Center for Smart  
 21 Growth Research and Education at the University of Maryland College Park, and  
 22 other stakeholders, the Task Force on the Future for Growth and Development, as  
 23 established by Chapter 381 of the Acts of the General Assembly of 2006, as amended  
 24 by Chapter 626 of the Acts of the General Assembly of 2007, shall make  
 25 recommendations, on or before July 1, 2009, on ~~the identification of~~ additional  
 26 measures and indicators that the State, the National Center, or a local jurisdiction  
 27 should be required to collect in the following categories of information:

28 (1) Housing choices, including affordability;

29 (2) The impact of growth on the environment, including land, air, and  
 30 water;

31 (3) The fiscal cost of growth;

1           (4)    The job and housing balance;

2           (5)    The impact of transportation on growth;

3           (6)    The impact of growth on business, including job creation, fiscal  
4 impact, agribusiness, tourism, and forestry; and

5           (7)    The impact of growth on cultural and historic resources.

6           (b)    The Department of Planning shall:

7           (1)    ~~adopt regulations as required by Section 1 of this Act on or before~~  
8 ~~July 1, 2010; and~~

9           (2)    provide BayStat, the National Center, and other entities with the  
10 data provided in the annual reports required by Section 1 of this Act.

11           (c)    The Department of Planning shall provide technical assistance to local  
12 jurisdictions concerning the collection of measures that a local jurisdiction is required  
13 to collect.

14           (d)    The first annual report that includes measures and indicators, as  
15 required under Section 1 of this Act, shall be filed on or before ~~March~~ July 1, 2011.

16           (e)    The National Center, in consultation with the Department of Planning,  
17 shall display the information collected in accordance with this Act on the National  
18 Center's Maryland Smart Growth Measures and Indicators website.

19           SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
20 June 1, 2009.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.