

HOUSE BILL 295

M1, L1

9lr0230
CF SB 276

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**

Introduced and read first time: January 29, 2009

Assigned to: Environmental Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 25, 2009

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
12 a certain statewide land use goal; providing that a local jurisdiction that meets
13 a certain statewide land use goal shall be given priority in the disbursement of
14 certain State funds under certain circumstances; requiring the Department of
15 the Environment to deny or place conditions on certain permits or approvals
16 under certain circumstances; requiring a certain annual report to include
17 certain measures and indicators; exempting certain municipal corporations from
18 certain requirements to establish a certain local goal and to include certain
19 information in a certain annual report; exempting certain local jurisdictions
20 from certain requirements to include certain information in a certain annual
21 report; requiring authorizing the Department of Planning to adopt certain
22 regulations before a certain date on the concerning the submission and

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.



1 transmission of measures and indicators in a certain annual report; requiring a
 2 planning commission to hold a hearing on the annual report; requiring the
 3 Department to consider certain factors when developing the measures and
 4 indicators perform certain duties regarding the collection of certain measures
 5 and indicators by certain persons; requiring the Department, in consultation
 6 with the National Center for Smart Growth, to prepare a certain annual report;
 7 making the issuance of certain permits or approvals subject to certain land use
 8 laws; requiring the Governor and each local jurisdiction to establish on or before
 9 a certain date procedures for the review of certain State and local public works,
 10 transportation, or major capital improvement projects; requiring review
 11 procedures for certain State and local public works, transportation, or major
 12 capital improvement projects to prioritize funding for the projects in a certain
 13 manner; requiring the Task Force on the Future for Growth and Development
 14 to make certain recommendations on or before a certain date; providing for the
 15 date of the a certain annual report; requiring the Department to provide
 16 technical assistance to local jurisdictions under certain circumstances; requiring
 17 the National Center, in consultation with the Department, to display certain
 18 information on a certain website; defining certain terms; and generally relating
 19 to annual reports and smart growth goals, measures, and indicators.

20 BY repealing and reenacting, with amendments,
 21 Article 66B – Land Use
 22 Section 1.02, 2.13, and 3.09
 23 Annotated Code of Maryland
 24 (2003 Replacement Volume and 2008 Supplement)

25 BY adding to
 26 Article 66B – Land Use
 27 Section 3.10
 28 Annotated Code of Maryland
 29 (2003 Replacement Volume and 2008 Supplement)

30 BY repealing and reenacting, with amendments,
 31 Article – Environment
 32 Section 4–103(a), 4–204(a), and 9–324(a)
 33 Annotated Code of Maryland
 34 (2007 Replacement Volume and 2008 Supplement)

35 BY repealing and reenacting, with amendments,
 36 Article – State Finance and Procurement
 37 Section 5–7A–02(c)
 38 Annotated Code of Maryland
 39 (2006 Replacement Volume and 2008 Supplement)

40 Preamble

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

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

8 WHEREAS, BayStat is charged with tracking and assessing the progress of
9 governmental programs to improve the health of the Chesapeake Bay, tracking and
10 assessing the enforcement of laws and regulations to curb the pollution of the
11 Chesapeake Bay, providing a forum for the exchange and continuous analysis of data
12 that will generate new insights for cleaning up the Chesapeake Bay, and identifying
13 and making recommendations for the establishment of measurable goals in the
14 process of Chesapeake Bay restoration; and

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

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

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

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

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

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

1 1.02.

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

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

5 (1) § 1.00(j) (Definition of “sensitive areas”);

6 (2) § 1.01 (Visions);

7 (3) § 1.03 (Charter county – Comprehensive plans);

8 (4) § 3.09 (ANNUAL REPORT – PREPARATION AND FILING);

9 (5) § 3.10 (ANNUAL REPORT – ~~MEASURES~~ SMART GROWTH
10 GOALS, MEASURES, AND INDICATORS);

11 [(4)] (6) § 4.01(b)(2) (Regulation of bicycle parking);

12 [(5)] (7) § 5.03(d) (Easements for burial sites);

13 [(6)] (8) § 7.02 (Civil penalty for zoning violation);

14 [(7)] (9) § 10.01 (Adequate Public Facilities Ordinances);

15 [(8)] (10) § 11.01 (Transfer of Development Rights);

16 [(9)] (11) § 12.01 (Inclusionary Zoning);

17 [(10)] (12) Except in Montgomery County or Prince George’s County, §
18 13.01 (Development rights and responsibilities agreements);

19 [(11)] (13) For Baltimore County only, § 14.02; and

20 [(12)] (14) For Howard County only, § 14.06.1.

21 (c) This section supersedes any inconsistent provision of Article 28 of the
22 Code.

23 2.13.

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

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

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

2 (2) § 1.01 (Visions);

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

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

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

7 [(4)] (6) § 4.01(b)(2) (Regulation of bicycle parking);

8 [(5)] (7) § 5.03(d) (Easements for burial sites);

9 [(6)] (8) § 7.02 (Civil penalty for zoning violation);

10 [(7)] (9) § 10.01 (Adequate Public Facilities Ordinances);

11 [(8)] (10) § 11.01 (Transfer of Development Rights);

12 [(9)] (11) § 12.01 (Inclusionary Zoning); and

13 [(10)] (12) § 13.01 (Development Rights and Responsibilities
14 Agreements).

15 3.09.

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

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

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

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

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

- 1 (i) Each other;
- 2 (ii) The recommendations of the last annual report;
- 3 (iii) The adopted plans of the local jurisdiction;
- 4 (iv) The adopted plans of all adjoining local jurisdictions; and
- 5 (v) The adopted plans of State and local jurisdictions that have
6 responsibility for financing or constructing public improvements necessary to
7 implement the local jurisdiction's plan; [and]

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

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

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

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

18 ~~(H) THE PUBLIC HEARING REQUIRED UNDER PARAGRAPH~~
19 ~~(1) OF THIS SUBSECTION MAY BE COMBINED WITH A REGULARLY SCHEDULED~~
20 ~~MEETING OF THE PLANNING COMMISSION.~~

21 ~~(3) THE DEPARTMENT OF PLANNING MAY SUBMIT COMMENTS ON~~
22 ~~THE REPORT.~~

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

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

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

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

1 **3.10.**

2 (A) (1) IN THIS SECTION, THE FOLLOWING WORDS HAVE THE
3 MEANINGS INDICATED.

4 (2) “INCREMENTAL PROGRESS” MEANS AN INCREASE IN THE
5 PERCENTAGE OF RESIDENTIAL GROWTH LOCATED WITHIN A PRIORITY FUNDING
6 AREA AND A DECREASE IN THE PERCENTAGE OF NEW DEVELOPED ACRES
7 LOCATED IN PRIORITY PRESERVATION AREAS AND GREEN INFRASTRUCTURE
8 AREAS.

9 (3) “NATIONAL CENTER” MEANS THE NATIONAL CENTER FOR
10 SMART GROWTH RESEARCH AND EDUCATION AT THE UNIVERSITY OF
11 MARYLAND COLLEGE PARK.

12 (4) “~~PRIORITY~~ PRIORITY FUNDING AREA” HAS THE MEANING
13 STATED IN § 5-7B-02 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

14 (B) (1) THE GENERAL ASSEMBLY FINDS THAT:

15 (I) IN ADDITION TO REPORTING ON PAST LAND USE
16 INDICATORS AND MEASURES, LOCAL JURISDICTIONS SHOULD STRIVE TO
17 ACHIEVE FUTURE LAND USE GOALS THAT IMPLEMENT AND ACHIEVE THE
18 VISIONS IN § 1.01 OF THIS ARTICLE;

19 (II) A STATEWIDE LAND USE GOAL THAT EMBODIES THE
20 VISIONS IN § 1.01 OF THIS ARTICLE AND SMART AND SUSTAINABLE GROWTH
21 SHOULD BE ESTABLISHED;

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

26 (IV) RESOURCES ARE NECESSARY TO ACHIEVE A STATEWIDE
27 GOAL, INCLUDING FUNDING NECESSARY FOR INFRASTRUCTURE INSIDE THE
28 PRIORITY FUNDING AREAS AND LAND PRESERVATION OUTSIDE THE PRIORITY
29 FUNDING AREAS.

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

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

1 (II) NOT MORE THAN 5% OF NEW DEVELOPED ACRES ARE
2 LOCATED IN PRIORITY PRESERVATION AREAS AND GREEN INFRASTRUCTURE
3 AREAS.

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

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

16 (5) EXCEPT AS PROVIDED UNDER PARAGRAPHS (7) AND (8) OF
17 THIS SUBSECTION AND SUBJECT TO PARAGRAPH (6) OF THIS SUBSECTION, IF A
18 LOCAL JURISDICTION FAILS TO DEMONSTRATE INCREMENTAL PROGRESS
19 TOWARD THE STATEWIDE LAND USE GOAL, THE DEPARTMENT OF THE
20 ENVIRONMENT SHALL DENY OR PLACE CONDITIONS ON THE FOLLOWING
21 PERMITS OR APPROVALS FOR PROPOSED PROJECTS OUTSIDE PRIORITY
22 FUNDING AREAS:

23 (I) A GRADING PERMIT FOR DEVELOPMENT DISTURBING
24 40,000 SQUARE FEET OR MORE, AUTHORIZED UNDER § 4-103 OF THE
25 ENVIRONMENT ARTICLE;

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

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

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

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

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

10 (7) PARAGRAPHS (3), (4), AND (5) OF THIS SUBSECTION DO NOT
11 APPLY:

12 (I) TO A LOCAL JURISDICTION THAT ISSUES FEWER THAN
13 50 BUILDING PERMITS FOR NEW RESIDENTIAL UNITS PER YEAR; OR

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

17 (8) PARAGRAPHS (4) AND (5) OF THIS SUBSECTION DO NOT
18 APPLY:

19 (I) BEFORE OCTOBER 1, 2012; OR

20 (II) IN THE EVENT OF AN URGENT THREAT TO PUBLIC
21 HEALTH OR SAFETY.

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

29 ~~(B)~~ (C) (1) EXCEPT AS PROVIDED IN ~~PARAGRAPH (2)~~ PARAGRAPHS
30 (2), (3), AND (4) OF THIS SUBSECTION, THE ANNUAL REPORT REQUIRED TO BE
31 FILED UNDER § 3.09 OF THIS ARTICLE SHALL INCLUDE ~~INFORMATION ON THE~~
32 FOLLOWING MEASURES AND INDICATORS; ~~IF APPLICABLE, ADOPTED IN~~
33 ACCORDANCE WITH ~~SUBSECTION (C) OF THIS SECTION.~~

1 **(I) THE AMOUNT AND SHARE OF GROWTH THAT IS BEING**
2 **LOCATED INSIDE AND OUTSIDE THE PRIORITY FUNDING AREAS;**

3 **(II) THE NET DENSITY OF GROWTH THAT IS BEING LOCATED**
4 **INSIDE AND OUTSIDE THE PRIORITY FUNDING AREAS;**

5 **(III) THE CREATION OF NEW LOTS AND THE ISSUANCE OF**
6 **RESIDENTIAL AND COMMERCIAL BUILDING PERMITS INSIDE AND OUTSIDE THE**
7 **PRIORITY FUNDING AREAS;**

8 **(IV) THE DEVELOPMENT CAPACITY ANALYSIS, UPDATED**
9 **ONCE EVERY 3 YEARS OR WHEN THERE IS A SIGNIFICANT CHANGE IN ZONING OR**
10 **LAND USE PATTERNS;**

11 **(V) THE NUMBER OF ACRES PRESERVED USING LOCAL**
12 **AGRICULTURAL LAND PRESERVATION FUNDING, IF APPLICABLE;**

13 **(VI) THE DECREASE IN VEHICLE MILES TRAVELED PER**
14 **CAPITA;**

15 **(VII) THE INCREASE IN THE PERCENTAGE OF NEW HOUSING**
16 **UNITS AFFORDABLE TO HOUSEHOLDS EARNING 80% OR LESS OF AREA MEDIAN**
17 **INCOME AND HOUSEHOLDS EARNING 50% OR LESS OF AREA MEDIAN INCOME;**

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

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

23 **1. THE LOCAL GOAL;**

24 **2. THE TIME FRAME FOR ACHIEVING THE LOCAL**
25 **GOAL;**

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

29 **4. ANY INCREMENTAL PROGRESS MADE TOWARDS**
30 **ACHIEVING THE LOCAL GOAL.**

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

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

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

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

11 ~~(2)~~ (4) (I) A COUNTY OR MUNICIPAL CORPORATION THAT
12 ISSUES FEWER THAN 50 BUILDING PERMITS FOR NEW RESIDENTIAL UNITS PER
13 YEAR IS NOT REQUIRED TO INCLUDE INFORMATION IN THE ANNUAL REPORT ON
14 MEASURES AND INDICATORS LISTED UNDER PARAGRAPH (1) OF THIS
15 SUBSECTION.

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

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

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

28 ~~(i)~~ TAKE INTO ACCOUNT DIFFERENCES IN LOCAL
29 JURISDICTIONS;

30 ~~(ii)~~ CONSIDER MEASURES AND INDICATORS THAT CAN BE
31 USED AT THE LOCAL, REGIONAL, AND STATE LEVEL; AND

32 ~~(iii)~~ CONSIDER WHICH MEASURES OR INDICATORS MAY BE
33 COLLECTED BY THE STATE AND WHICH MEASURES OR INDICATORS MAY BE
34 COLLECTED BY THE LOCAL JURISDICTION; AND

1 ~~(IV) CONSIDER THE CAPACITY OF THE LOCAL JURISDICTION~~
2 ~~TO COLLECT THE MEASURES OR INDICATORS AND THE RELEVANCE OF THE~~
3 ~~INDICATOR OR MEASURE TO A PARTICULAR JURISDICTION.~~

4 (2) THE DEPARTMENT OF PLANNING SHALL:

5 (I) DEVELOP MEASURES AND INDICATORS THAT WILL BE
6 COLLECTED BY THE DEPARTMENT; AND

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

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

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

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

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

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

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

20 ~~(6) AGRICULTURAL PRESERVATION;~~

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

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

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

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

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

1 **(5) A GRADING OR BUILDING PERMIT FOR A DISTURBANCE OF**
2 **40,000 SQUARE FEET OR MORE MAY NOT BE ISSUED IF PROHIBITED UNDER**
3 **ARTICLE 66B, § 3.10 OF THE CODE.**

4 4-204.

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

9 **(2) A grading or building permit may not be issued for a property**
10 **unless:**

11 **(I) [a] A stormwater management plan has been approved**
12 **that is consistent with this subtitle; AND**

13 **(II) ISSUANCE IS NOT PROHIBITED UNDER ARTICLE 66B, §**
14 **3.10 OF THE CODE.**

15 9-324.

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

19 **[(1)] (I) All applicable State and federal water quality standards and**
20 **effluent limitations; and**

21 **[(2)] (II) All other requirements of this subtitle.**

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

24 **Article - State Finance and Procurement**

25 5-7A-02.

26 (c) **By December 1, [1992] 2009, the Governor shall establish procedures for**
27 **review of State projects under subsection (a) of this section, and each local jurisdiction**
28 **shall establish procedures for the review of local projects under subsection (b) of this**
29 **section, to:**

30 **(1) ensure that the projects are consistent with their respective policy**
31 **and plans; [AND]**

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

4 (3) evaluate extraordinary circumstances under subsections (a)(2) and
 5 (b)(2) of this section, respectively.

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

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

15 (1) Housing choices, including affordability;

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

18 (3) The fiscal cost of growth;

19 (4) The job and housing balance;

20 (5) The impact of transportation on growth;

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

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

24 (b) The Department of Planning shall:

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

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

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

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

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

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.