

CF 7r1926

By: The Speaker (Administration)

Introduced and read first time: January 27, 1997

Assigned to: Environmental Matters

Committee Report: Favorable with amendments

House action: Adopted with floor amendments

Read second time: March 27, 1997

CHAPTER _____

1 AN ACT concerning

2 **"Smart Growth" and Neighborhood Conservation - "Smart Growth" Areas**

3 FOR the purpose of enhancing the Economic Growth, Resource Protection, and Planning
 4 Act of 1992 by setting priorities for certain State spending so as to preserve existing
 5 neighborhoods and agricultural, natural, and rural resources; establishing priority
 6 funding areas in the State; providing that certain State agencies may not approve
 7 certain projects which are not in priority funding areas after a certain date;
 8 providing for certain exceptions; authorizing the Board of Public Works to grant
 9 exceptions under certain circumstances; ~~requiring the Maryland Office of Planning~~
 10 ~~to establish a collaborative process with local governments for the determination of~~
 11 ~~priority funding areas~~ establishing a certain certification process for the designation
 12 of priority funding areas before those areas may be eligible for certain funding;
 13 requiring the Maryland Office of Planning to establish a certain process for the
 14 review of certain projects and to complete a certain survey and list by a certain date;
 15 defining certain terms; requiring that priority funding areas maps and descriptions
 16 be updated periodically; requiring municipal corporations to assist counties in the
 17 collection of certain fees to finance certain school construction; requiring municipal
 18 corporations to adopt certain development standards under certain circumstances;
 19 providing that a decision to fund or not to fund a project is not subject to certain
 20 administrative actions; providing that this Act does not create a private cause of
 21 action; providing that this Act shall not apply to certain projects; and generally
 22 relating to "smart growth" and the establishment of priority funding areas.

23 BY repealing and reenacting, with amendments,24 Article 23A - Corporations - Municipal25 Section 8C26 Annotated Code of Maryland27 (1996 Replacement Volume)

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1 BY repealing and reenacting, without amendments,
 2 Article - Transportation
 3 Section 2-103.1(a)(4) and (5) and 8-610(g) and (h)
 4 Annotated Code of Maryland
 5 (1993 Replacement Volume and 1996 Supplement)

6 BY adding to
 7 Article - State Finance and Procurement
 8 Section 5-7B-01 through ~~5-7B-08~~ 5-7B-10, inclusive, to be under the new subtitle
 9 "Subtitle 7B. Priority Funding Areas"; and 7-314(o)
 10 Annotated Code of Maryland
 11 (1995 Replacement Volume and 1996 Supplement)

12 Preamble

13 WHEREAS, The General Assembly enacted the Economic Growth, Resource
 14 Protection, and Planning Act of 1992 (the 1992 Act) which established the State
 15 Economic Growth, Resource Protection, and Planning Policy (the State Policy); and

16 WHEREAS, The State Policy provides that "development shall be concentrated
 17 in suitable areas" and that "in rural areas, growth shall be directed to existing population
 18 centers and resource areas shall be protected"; and

19 WHEREAS, Investment in the revitalization of older neighborhoods, and
 20 encouraging quality growth and development through funding programs, will reduce the
 21 outward pressure for sprawl and leapfrogging; and

22 WHEREAS, If current patterns of development continue unchanged, Maryland
 23 will lose over 500,000 acres of farms and open spaces, will have abandoned many existing
 24 and historic neighborhoods, and will spend millions of taxpayer dollars building costly
 25 new infrastructure; and

26 WHEREAS, The 1992 Act is based on the recognition that State spending plays a
 27 significant role in guiding growth and facilitating development; and

28 WHEREAS, The 1992 Act was an important first step in directing State spending
 29 in a way that furthers the State Policy in that it requires certain projects funded through
 30 State or federal funds to be consistent with the local plans of the jurisdictions in which the
 31 projects are located; and

32 WHEREAS, County governments have demonstrated a commitment to
 33 implementing the Economic Growth, Resource Protection and Planning Act of 1992; and

34 WHEREAS, While compliance with the 1992 Act by the counties is a major step
 35 forward in implementing changes to preserve Maryland's farms and open spaces,
 36 revitalize our existing neighborhoods, and use taxpayer dollars in a cost efficient and
 37 effective manner, the State must also play a significant role in achieving these goals; and

38 WHEREAS, Targeted funding by the State of certain projects that serve to foster or
 39 influence growth in those areas most suitable for growth or that meet other statewide

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1 goals will serve to build on and complement the Act and will accelerate the preservation
2 of our open spaces and existing neighborhoods; and

3 WHEREAS, Rural villages and communities are an integral part of the character of
4 Maryland and the State is committed to continuing to sustain rural villages and
5 communities; and

6 WHEREAS, In order to effectuate the State Policy adopted by the General
7 Assembly in 1992, the State needs to build on the 1992 Act by focusing spending in those
8 areas, including those parts of locally designated growth areas, that constitute the most
9 efficient and effective use of the taxpayer dollars and which will serve to best preserve
10 existing neighborhoods and Maryland's fields, farms, and open spaces; now, therefore,

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

13 **Article 23A - Corporations - Municipal**

14 8C.

15 (A) The mayor and city council, by whatever name known, of every municipal
16 corporation in this State is authorized and empowered to lend or provide, upon such
17 terms as may be agreed upon, the use of tools, vehicles, implements, materials,
18 consultants, services, and other assistance to another political subdivision for purposes
19 deemed to be public and of benefit to the municipal corporation and the other political
20 subdivision.

21 (B) (1) IF A COUNTY PROVIDES FOR THE LEVY AND COLLECTION OF A
22 DEVELOPMENT IMPACT FEE ON NEW RESIDENTIAL CONSTRUCTION TO FINANCE
23 THE COSTS OF SCHOOL CONSTRUCTION, A MUNICIPAL CORPORATION SHALL ASSIST
24 THE COUNTY IN THE COLLECTION OF THE FEE FOR NEW RESIDENTIAL
25 CONSTRUCTION WITHIN THE MUNICIPAL CORPORATION BY:

26 (I) COLLECTING AND REMITTING THE FEE TO THE COUNTY; OR

27 (II) REQUIRING THE FEE TO BE PAID TO THE COUNTY IN
28 ACCORDANCE WITH THE COUNTY DEVELOPMENT IMPACT FEE LAW OR ORDINANCE.

29 (2) THE APPLICATION OF ANY IMPACT FEES PAID UNDER PARAGRAPH
30 (1) OF THIS SUBSECTION SHALL HAVE A RATIONAL NEXUS TO THE PROJECT FOR
31 WHICH THE FEES ARE ASSESSED.

32 (3) THE PROVISIONS OF THIS SUBSECTION MAY NOT BE CONSTRUED TO
33 AFFECT ANY EXISTING AGREEMENTS BETWEEN A COUNTY AND MUNICIPAL
34 CORPORATION CONCERNING THE LEVYING AND COLLECTION OF DEVELOPMENT
35 IMPACT FEES.

36 **Article - Transportation**

37 2-103.1.

38 (a) (4) "Major capital project" means any new, expanded, or significantly
39 improved facility or service that involves planning, environmental studies, design,

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1 right-of-way, construction, or purchase of essential equipment related to the facility or
2 service.

3 (5) "Minor capital project" means any project for the preservation or
4 rehabilitation of an existing facility or service, including the planning, design,
5 right-of-way, construction, or purchase of equipment essential to the facility or service,
6 and generally not requiring the preparation of an environmental impact assessment.

7 8-610.

8 (g) "Project planning phase" means the phase in which engineering and
9 environmental studies and analyses are conducted with full participation of the public, in
10 addition to local, State, and federal agencies, to determine the scope and location of a
11 proposed highway project.

12 (h) "Initial project planning phase" means that portion of the project planning
13 phase which includes:

14 (1) Notification of local, State, and federal officials;

15 (2) Initial interagency review;

16 (3) Initial systems planning;

17 (4) Identification of alternatives, as set forth in § 8-102 of this article, for
18 the scope and the location of the project;

19 (5) Estimates of right-of-way requirements, including available detail with
20 respect to specific properties affected, and of cost;

21 (6) Public meetings for discussion of the foregoing; and

22 (7) Reports of consultants, if any have been retained for the analysis of
23 preliminary alternatives.

24 **Article - State Finance and Procurement**

25 SUBTITLE 7B. PRIORITY FUNDING AREAS.

26 5-7B-01.

27 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
28 INDICATED.

29 (B) "LOCALLY DESIGNATED GROWTH AREA" MEANS AN AREA DETERMINED
30 BY THE COUNTY TO BE SUITABLE FOR DEVELOPMENT IN COMPLIANCE WITH
31 ARTICLE 66B, § 3.05 OF THE CODE.

32 ~~(B)~~ (C) "FUNDING" INCLUDES ANY FORM OF ASSURANCE, GUARANTEE,
33 GRANT PAYMENT, CREDIT, TAX CREDIT, OR OTHER ASSISTANCE, INCLUDING A
34 LOAN, LOAN GUARANTEE, OR REDUCTION IN THE PRINCIPAL OBLIGATION OF, OR
35 RATE OF INTEREST PAYABLE ON, A LOAN OR A PORTION OF A LOAN.

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1 ~~(C)~~ (D) (1) "~~PROJECT~~" "GROWTH-RELATED PROJECT" MEANS ONLY THE
2 ITEMS SET FORTH BELOW:

3 (I) ANY MAJOR CAPITAL PROJECT AS DEFINED IN § 2-103.1(A)(4) OF
4 THE TRANSPORTATION ARTICLE, PROJECT PLANNING AS DEFINED IN § 8-610(G) OF
5 THE TRANSPORTATION ARTICLE, OR INITIAL PROJECT PLANNING AS DEFINED IN §
6 8-610(H) OF THE TRANSPORTATION ARTICLE, EXCEPT EXISTING TRANSPORTATION
7 FACILITIES PROJECTS AS DEFINED IN § 4-101(I) OF THE TRANSPORTATION ARTICLE;

8 (II) FUNDING BY THE DEPARTMENT OF HOUSING AND
9 COMMUNITY DEVELOPMENT FOR:

10 1. CONSTRUCTION OR PURCHASE OF NEWLY CONSTRUCTED
11 SINGLE FAMILY HOMES OR PURCHASE OF LOANS FOR NEWLY CONSTRUCTED
12 SINGLE FAMILY HOMES UNDER ARTICLE 83B, §§ 2-201 THROUGH 2-208, §§ 2-601
13 THROUGH 2-614, OR §§ 2-1001 THROUGH 2-1007 OF THE CODE;

14 2. ACQUISITION OR CONSTRUCTION OF NEWLY
15 CONSTRUCTED MULTIFAMILY RENTAL HOUSING UNDER ARTICLE 83B, §§ 2-201
16 THROUGH 2-208, §§ 2-501 THROUGH 2-510, OR §§ 2-801 THROUGH 2-810 OF THE CODE;
17 OR

18 3. STATE-FUNDED NEIGHBORHOOD REVITALIZATION
19 PROJECTS UNDER ARTICLE 83B, TITLE 4 OF THE CODE;

20 (III) FUNDING BY THE DEPARTMENT OF BUSINESS AND ECONOMIC
21 DEVELOPMENT UNDER ANY OF THE FOLLOWING:

22 1. THE MARYLAND INDUSTRIAL LAND ACT, AUTHORIZED
23 UNDER ARTICLE 83A, TITLE 5, SUBTITLE 7 OF THE CODE;

24 2. THE MARYLAND INDUSTRIAL AND COMMERCIAL
25 REDEVELOPMENT FUND, AUTHORIZED UNDER ARTICLE 83A, TITLE 5, SUBTITLE 8 OF
26 THE CODE;

27 3. THE MARYLAND INDUSTRIAL DEVELOPMENT FINANCING
28 AUTHORITY, AUTHORIZED UNDER ARTICLE 83A, TITLE 5, SUBTITLE 9 OF THE CODE;

29 4. THE MARYLAND SMALL BUSINESS DEVELOPMENT
30 FINANCING AUTHORITY, AUTHORIZED UNDER ARTICLE 83A, TITLE 5, SUBTITLE 10
31 OF THE CODE;

32 5. THE MARYLAND ENERGY FINANCING ACT, AUTHORIZED
33 UNDER ARTICLE 83A, TITLE 6, SUBTITLE 4 OF THE CODE; AND

34 6. THE ECONOMIC DEVELOPMENT OPPORTUNITIES
35 PROGRAM FUND, AUTHORIZED UNDER § 7-314 OF THE STATE FINANCE AND
36 PROCUREMENT ARTICLE; ~~AND~~

37 (IV) FUNDING BY THE DEPARTMENT OF THE ENVIRONMENT, FOR
38 ANY PROJECT UNDER:

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1 1. §§ 9-1601 THROUGH 9-1605 (WATER QUALITY REVOLVING
2 LOAN FUND) OF THE ENVIRONMENT ARTICLE EXCEPT FOR FUNDING NONPOINT
3 SOURCE POLLUTION PROJECTS;

4 2. §§ 9-420 THROUGH 9-426 (WATER SUPPLY FINANCIAL
5 ASSISTANCE PROGRAM) OF THE ENVIRONMENT ARTICLE; AND

6 ~~3. THE FOLLOWING PROGRAMS AUTHORIZED UNDER TITLE~~
7 ~~9, SUBTITLE 3, PART VI OF THE ENVIRONMENT ARTICLE:~~

8 ~~A. BIOLOGICAL NUTRIENT REMOVAL;~~

9 ~~B. THE SUPPLEMENTAL ASSISTANCE PROGRAM;~~

10 ~~C. THE STORMWATER CONTROL COST SHARE PROGRAM;~~

11 ~~AND~~

12 ~~D. SMALL CREEKS AND ESTUARIES RESTORATION.~~

13 3. THE SUPPLEMENTAL ASSISTANCE PROGRAM
14 AUTHORIZED UNDER TITLE 9, SUBTITLE 3, PART VI OF THE ENVIRONMENT ARTICLE;
15 AND

16 (V) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,
17 PROCUREMENT OR FUNDING OF PROJECTS BY THE DEPARTMENT OF GENERAL
18 SERVICES FOR:

19 1. LEASES OF PROPERTY BY THE STATE GOVERNED BY §§
20 4-318 THROUGH 4-321 OF THE STATE FINANCE AND PROCUREMENT ARTICLE;

21 2. PUBLIC IMPROVEMENTS GOVERNED BY §§ 4-410 AND
22 4-410.1 OF THE STATE FINANCE AND PROCUREMENT ARTICLE; AND

23 3. LAND ACQUISITION GOVERNED BY §§ 4-411 THROUGH
24 4-416 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

25 (2) "GROWTH-RELATED PROJECT" DOES NOT INCLUDE:

26 (I) PROJECTS BY THE DEPARTMENT OF GENERAL SERVICES FOR
27 MAINTENANCE, REPAIR, ADDITIONS, OR RENOVATIONS TO EXISTING FACILITIES,
28 ACQUISITION OF LAND FOR TELECOMMUNICATIONS TOWERS, PARKS,
29 CONSERVATION AND OPEN SPACE, AND ACQUISITION OF AGRICULTURAL,
30 CONSERVATION, AND HISTORIC EASEMENTS;

31 ~~(2) "PROJECT" DOES NOT INCLUDE (II) FUNDING BY THE DEPARTMENT~~
32 ~~OF HOUSING AND COMMUNITY DEVELOPMENT FOR ANY PROJECT FINANCED WITH~~
33 ~~THE PROCEEDS OF REVENUE BONDS ISSUED BY THE COMMUNITY DEVELOPMENT~~
34 ~~ADMINISTRATION IF:~~

35 ~~(1) THE SECRETARY OF HOUSING AND COMMUNITY~~
36 ~~DEVELOPMENT DETERMINES THAT APPLICATION OF THIS SECTION:~~

37 ~~4. A. CONFLICTS WITH ANY PROVISION OF FEDERAL OR~~
38 ~~STATE LAW APPLICABLE TO THE ISSUANCE OR TAX-EXEMPT STATUS OF THE BONDS;~~

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1 ~~2-~~ B. CONFLICTS WITH ANY PROVISION OF ANY TRUST
2 AGREEMENT BETWEEN THE COMMUNITY DEVELOPMENT ADMINISTRATION AND
3 ANY TRUSTEE; OR

4 ~~3-~~ C. WOULD OTHERWISE PROHIBIT FINANCING OF AN
5 EXISTING PROJECT, OR FINANCING PROVIDED TO CURE OR PREVENT ANY DEFAULT
6 UNDER EXISTING FINANCING; OR

7 ~~(H) 2.~~ THE REVENUE BONDS ARE ISSUED UNDER A TRANSFER
8 OF THE MARYLAND STATE CEILING TO THE ADMINISTRATION BY A COUNTY UNDER
9 TITLE 13, SUBTITLE 8 OF THE FINANCIAL INSTITUTIONS ~~ARTICLE.~~ ARTICLE; OR

10 (III) ANY OTHER PROJECT, FUNDING, OR OTHER STATE
11 ASSISTANCE NOT LISTED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

12 (E) "RURAL VILLAGE" MEANS A RURAL VILLAGE, VILLAGE CENTER, OR
13 OTHER UNINCORPORATED AREA THAT IS PRIMARILY RESIDENTIAL, INCLUDING AN
14 AREA WITH HISTORIC QUALITIES, THAT IS LOCATED IN AN OTHERWISE RURAL OR
15 AGRICULTURAL AREA AND FOR WHICH NEW GROWTH, IF ANY, WOULD DERIVE
16 PRIMARILY FROM IN-FILL DEVELOPMENT OR LIMITED PERIPHERAL EXPANSION.

17 ~~(D)~~ (F) "TECHNICAL ASSISTANCE" MEANS THE PROVISION OF ADVICE,
18 CONSULTATION, TRAINING, INFORMATION, OR DESIGN, OR ARCHITECTURAL,
19 ORGANIZATIONAL, OR MANAGEMENT ASSISTANCE.

20 5-7B-02.

21 THE FOLLOWING AREAS SHALL BE CONSIDERED ~~STATE~~ PRIORITY FUNDING
22 AREAS UNDER THIS SUBTITLE:

23 (1) A MUNICIPAL CORPORATION, INCLUDING BALTIMORE CITY,
24 ~~PROVIDED THAT ALL~~ EXCEPT THOSE AREAS ANNEXED BY A MUNICIPAL
25 CORPORATION AFTER JANUARY 1, 1997 SHALL SATISFY THE ~~PROVISIONS OF ITEM (8)~~
26 ~~OF THIS SECTION;~~ REQUIREMENTS RELATING TO DENSITY AND SERVICE BY WATER
27 ~~OR~~ AND SEWER SET FORTH IN § 5-7B-03 OF THIS SUBTITLE;

28 (2) A DESIGNATED NEIGHBORHOOD, AS DEFINED IN ARTICLE 83B, §
29 4-202 OF THE CODE;

30 (3) AN ENTERPRISE ZONE AS DESIGNATED UNDER ARTICLE 83A, ~~§ 5-401~~
31 § 5-402 OF THE CODE, OR BY THE UNITED STATES GOVERNMENT;

32 (4) A CERTIFIED HERITAGE AREA AS DEFINED IN §§ 13-1101 AND 13-1111
33 OF THE FINANCIAL INSTITUTIONS ARTICLE THAT IS LOCATED WITHIN A LOCALLY
34 DESIGNATED GROWTH AREA;

35 (5) THOSE AREAS OF THE STATE LOCATED BETWEEN INTERSTATE
36 HIGHWAY 495 AND THE DISTRICT OF COLUMBIA;

37 (6) THOSE AREAS OF THE STATE LOCATED BETWEEN INTERSTATE
38 HIGHWAY 695 AND BALTIMORE CITY; AND

39 ~~(7) AREAS ZONED AS INDUSTRIAL OR THE EQUIVALENT WHICH ARE~~
40 ~~SERVED BY PUBLIC OR COMMUNITY WATER AND SEWER SYSTEMS; AND~~

1 ~~(8) AN AREA WITHIN A LOCALLY DESIGNATED GROWTH THAT MEETS~~
2 ~~THE FOLLOWING CRITERIA:~~

3 ~~(I) 1. THE AREA IS SERVED BY PUBLIC OR COMMUNITY WATER~~
4 ~~AND SEWER SERVICE; AND~~

5 ~~2. IN ANY PART OF THE AREA SERVED BY PUBLIC OR~~
6 ~~COMMUNITY WATER AND SEWER SERVICE THAT IS DESIGNATED BY THE LOCAL~~
7 ~~GOVERNMENT FOR RESIDENTIAL USE OR DEVELOPMENT:~~

8 ~~A. THERE IS REQUIRED AN AVERAGE DENSITY OF 2.0 UNITS~~
9 ~~PER ACRE; OR~~

10 ~~B. THERE IS IN PRACTICE AN AVERAGE DENSITY OF 2.0~~
11 ~~UNITS PER ACRE; OR~~

12 ~~(II) 1. THE AREA IS PLANNED TO BE SERVED BY PUBLIC OR~~
13 ~~COMMUNITY WATER AND SEWER SERVICE WITHIN 6 YEARS UNDER THE ADOPTED~~
14 ~~CAPITAL IMPROVEMENT PLAN OF THE LOCAL JURISDICTION AND THE APPROVED~~
15 ~~WATER AND SEWER PLAN IN WHICH THE AREA IS LOCATED; AND~~

16 ~~2. IN ANY PART OF THE AREA PLANNED TO BE SERVED BY~~
17 ~~PUBLIC OR COMMUNITY WATER AND SEWER SERVICE THAT IS DESIGNATED BY THE~~
18 ~~LOCAL GOVERNMENT FOR RESIDENTIAL USE OR DEVELOPMENT:~~

19 ~~A. THERE IS REQUIRED AN AVERAGE DENSITY OF 3.5 UNITS~~
20 ~~PER ACRE; OR~~

21 ~~B. THERE IS IN PRACTICE AN AVERAGE DENSITY OF 3.5~~
22 ~~UNITS PER ACRE.~~

23 (7) AN AREA DESIGNATED BY THE GOVERNING BODY OF A COUNTY
24 UNDER § 5-7B-03 OF THIS SUBTITLE.

25 5-7B-03.

26 (A) THE GOVERNING BODY OF A COUNTY MAY DESIGNATE PRIORITY
27 FUNDING AREAS AS PROVIDED IN THIS SECTION.

28 (B) AN AREA ZONED OR, IF APPLICABLE, CLASSIFIED SOLELY FOR
29 INDUSTRIAL USE MAY BE DESIGNATED AS A PRIORITY FUNDING AREA.

30 (C) (1) AN AREA WHERE THE PRINCIPAL USES OF THE AREA ARE FOR
31 EMPLOYMENT MAY BE DESIGNATED AS A PRIORITY FUNDING AREA IF:

32 (I) THE AREA IS SERVED BY PUBLIC OR COMMUNITY WATER OR
33 SEWER SYSTEMS; OR

34 (II) PUBLIC OR COMMUNITY SEWER SYSTEMS ARE PLANNED IN
35 THE APPROVED 10-YEAR WATER AND SEWER PLAN.

36 (2) AN AREA ZONED OR, IF APPLICABLE, CLASSIFIED AFTER JANUARY 1,
37 1997 AS INDUSTRIAL, OR WHERE THE PRINCIPAL USES ARE FOR EMPLOYMENT, IN

1 ADDITION TO MEETING THE CRITERIA SET FORTH IN PARAGRAPH (1) OF THIS
2 SUBSECTION, SHALL BE LOCATED WITHIN A LOCALLY DESIGNATED GROWTH AREA.

3 (D) A COMMUNITY IN EXISTENCE PRIOR TO JANUARY 1, 1997 THAT IS WITHIN
4 A LOCALLY DESIGNATED GROWTH AREA MAY BE DESIGNATED AS A PRIORITY
5 FUNDING AREA IF THE COMMUNITY, AS OF OCTOBER 1, 1998:

6 (1) IS SERVED BY A PUBLIC OR COMMUNITY WATER OR SEWER SYSTEM;
7 AND

8 (2) IN THAT PART OF THE COMMUNITY DESIGNATED BY THE LOCAL
9 GOVERNMENT FOR RESIDENTIAL USE OR DEVELOPMENT:

10 (I) THERE IS AN AVERAGE DENSITY OF AT LEAST 2.0 UNITS PER
11 ACRE; OR

12 (II) IF A PORTION OF THE COMMUNITY IS UNDEVELOPED, THE
13 PERMITTED AVERAGE DENSITY IS NOT LESS THAN 2.0 UNITS PER ACRE.

14 (E) AN AREA, OTHER THAN AN EXISTING COMMUNITY UNDER SUBSECTION
15 (D) OF THIS SECTION, MAY BE DESIGNATED AS A PRIORITY FUNDING AREA IF:

16 (1) THE AREA:

17 (I) IS WITHIN A LOCALLY DESIGNATED GROWTH AREA OF THE
18 COUNTY; AND

19 (II) IS PLANNED TO BE SERVED UNDER THE APPROVED 10-YEAR
20 WATER AND SEWER PLAN;

21 (2) THE DESIGNATION REPRESENTS A LONG-TERM DEVELOPMENT
22 POLICY FOR PROMOTING AN ORDERLY EXPANSION OF GROWTH AND AN EFFICIENT
23 USE OF LAND AND PUBLIC SERVICES; AND

24 (3) IN THAT PART OF THE AREA DESIGNATED BY THE LOCAL
25 GOVERNMENT FOR RESIDENTIAL USE OR DEVELOPMENT, THERE IS PERMITTED AN
26 AVERAGE DENSITY OF NOT LESS THAN 3.5 UNITS PER ACRE.

27 (F) (1) A RURAL VILLAGE MAY BE DESIGNATED AS A PRIORITY FUNDING
28 AREA UNDER THIS SECTION IF:

29 (I) THE VILLAGE IS DESIGNATED IN THE COUNTY
30 COMPREHENSIVE PLAN AS OF JULY 1, 1998; OR

31 (II) THE BOUNDARY OF THE PRIORITY FUNDING AREA IS THE
32 PERIPHERY OF THE DEVELOPED PORTION OF THE VILLAGE AS OF JULY 1, 1998; AND

33 (2) FUNDING FOR A GROWTH-RELATED PROJECT UNDER THIS
34 SUBTITLE IS TO BE PROVIDED ONLY IF THE PROJECT SERVES TO MAINTAIN THE
35 CHARACTER OF THE COMMUNITY AND DOES NOT SERVE TO INCREASE THE
36 GROWTH CAPACITY OF THE VILLAGE EXCEPT FOR LIMITED PERIPHERAL OR IN-FILL
37 DEVELOPMENT.

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1 (G) THE DESIGNATION BY A COUNTY OF A PRIORITY FUNDING AREA UNDER
2 THIS SECTION SHALL BE BASED ON:

3 (1) AN ANALYSIS OF THE CAPACITY OF LAND AREAS AVAILABLE FOR
4 DEVELOPMENT, INCLUDING IN-FILL AND REDEVELOPMENT; AND

5 (2) AN ANALYSIS OF THE LAND AREA NEEDED TO SATISFY DEMAND
6 FOR DEVELOPMENT AT DENSITIES CONSISTENT WITH THE COUNTY MASTER PLAN.

7 (H) FOR THE PURPOSES OF THIS SECTION, AVERAGE DENSITY SHALL BE
8 CALCULATED BASED ON THE TOTAL ACREAGE OF ALL PARCELS IN THE AREA FOR
9 WHICH THE PRINCIPAL PERMITTED USE IS RESIDENTIAL, EXCLUDING LAND:

10 (1) (I) DEDICATED FOR PUBLIC PURPOSES BY EASEMENT IN
11 PERPETUITY OR BY FEE ACQUISITION;

12 (II) PROHIBITED FROM DEVELOPMENT BY LOCAL, STATE, OR
13 FEDERAL LAW; OR

14 (III) DEDICATED FOR RECREATIONAL USE;

15 (2) SUBJECT TO AN AGRICULTURAL EASEMENT UNDER § 2-508 OF THE
16 AGRICULTURE ARTICLE;

17 (3) SUBJECT TO AN AGRICULTURAL EASEMENT UNDER A COUNTY
18 AGRICULTURAL LAND PRESERVATION PROGRAM CERTIFIED UNDER § 5-408 OF THE
19 STATE FINANCE AND PROCUREMENT ARTICLE; OR

20 (4) USED FOR CEMETERY PURPOSES.

21 ~~5-7B-03; 5-7B-04.~~

22 ~~NOTWITHSTANDING ANY OTHER PROVISIONS OF LAW THAT MAY BE~~
23 ~~INCONSISTENT WITH THIS SUBTITLE, AND~~

24 (A) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, BEGINNING
25 OCTOBER 1, 1998, THE STATE MAY NOT PROVIDE FUNDING FOR A
26 GROWTH-RELATED PROJECT IF THE PROJECT IS NOT LOCATED WITHIN A STATE
27 PRIORITY FUNDING AREA.

28 (B) IN A PRIORITY FUNDING AREA ESTABLISHED UNDER § 5-7B-03(D) OF THIS
29 SUBTITLE IN WHICH WATER AND SEWER SERVICE IS PLANNED, A COMMITMENT FOR
30 FUNDING FOR A GROWTH-RELATED PROJECT SHALL BE CONTINGENT UPON
31 NONSTATE FUNDING FOR PLANNED WATER AND SEWER SERVICE MOVING
32 FORWARD IN ADVANCE OF OR CONCURRENT WITH THE STATE FUNDING.

33 (C) (1) A GROWTH-RELATED PROJECT MAY NOT BE FUNDED BY THE STATE
34 IN A MUNICIPAL CORPORATION EXERCISING ZONING AUTHORITY UNLESS THE
35 MUNICIPAL CORPORATION HAS FIRST ADOPTED RESIDENTIAL DEVELOPMENT
36 STANDARDS RELATING TO PUBLIC SCHOOL ADEQUACY. THESE STANDARDS SHALL
37 BE SUBSTANTIALLY SIMILAR TO:

38 (I) THE STATE RATED CAPACITY STANDARDS ESTABLISHED BY
39 THE PUBLIC SCHOOL INTERAGENCY COMMITTEE ON SCHOOL CONSTRUCTION; OR

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1 (II) THE SCHOOL CAPACITY STANDARDS ESTABLISHED IN ITS
2 COUNTY'S ADEQUATE PUBLIC FACILITIES ORDINANCE.

3 (2) THE REQUIREMENT CONTAINED IN PARAGRAPH (1) OF THIS
4 SUBSECTION DOES NOT APPLY APPLY:

5 (I) IN A MUNICIPAL CORPORATION EXERCISING ZONING
6 AUTHORITY LOCATED IN A COUNTY IN WHICH NO ADEQUATE SCHOOL CAPACITY
7 STANDARDS HAVE BEEN ESTABLISHED BY THE COUNTY GOVERNING BODY; OR

8 (II) TO A RESIDENTIAL DEVELOPMENT PROJECT WHERE AN
9 IMPACT FEE HAS BEEN PAID OR OTHER MONETARY OR NONMONETARY
10 CONTRIBUTIONS HAVE BEEN PROVIDED THAT DEFRAID THE LOCAL COST OF
11 SCHOOL CONSTRUCTION ATTRIBUTABLE TO THE PROJECT.

12 (3) AFTER OCTOBER 1, 1997, PRIOR TO ESTABLISHING OR CHANGING
13 THE SCHOOL CAPACITY STANDARDS IN A COUNTY'S ADEQUATE PUBLIC FACILITIES
14 ORDINANCE, THE COUNTY SHALL CONFER WITH THE GOVERNING BODIES OF THE
15 MUNICIPAL CORPORATIONS THAT EXERCISE ZONING AUTHORITY LOCATED WITHIN
16 THE COUNTY.

17 ~~(3)~~ (4) FOR PLANNING PURPOSES, EACH COUNTY BOARD OF
18 EDUCATION SHALL ANNUALLY PROVIDE TO THE COUNTY AND EACH MUNICIPAL
19 CORPORATION EXERCISING ZONING AUTHORITY IN THE COUNTY:

20 (I) A LIST OF PROJECTED STUDENT ENROLLMENTS FOR A 5-YEAR
21 PERIOD FOR EACH SCHOOL SERVING STUDENTS IN OR NEAR THAT MUNICIPAL
22 CORPORATION; AND

23 (II) INFORMATION RELATING TO THE STUDENT CAPACITY OF
24 EACH SCHOOL.

25 ~~5-7B-04, 5-7B-05.~~

26 (A) (1) THE STATE MAY PROVIDE FUNDING FOR A GROWTH-RELATED
27 PROJECT NOT IN A STATE PRIORITY FUNDING AREA IF:

28 (I) THE BOARD OF PUBLIC WORKS DETERMINES THAT
29 EXTRAORDINARY CIRCUMSTANCES EXIST WHICH WARRANT PROCEEDING WITH
30 THE PROJECT AND THAT NO REASONABLY FEASIBLE ALTERNATIVE EXISTS IN
31 ACCORDANCE WITH THE REQUIREMENTS OF PARAGRAPH (2) OF THIS SUBSECTION;
32 OR

33 (II) THE BOARD OF PUBLIC WORKS APPROVES THE PROJECT AS A
34 TRANSPORTATION PROJECT THAT MEETS THE REQUIREMENTS OF PARAGRAPH (3)
35 OF THIS SUBSECTION.

36 (2) IN ORDER TO DETERMINE THAT EXTRAORDINARY
37 CIRCUMSTANCES EXIST UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE BOARD
38 SHALL DETERMINE BY A MAJORITY VOTE THAT:

39 (I) THE FAILURE TO FUND THE PROJECT IN QUESTION CREATES
40 AN EXTREME INEQUITY, HARDSHIP, OR DISADVANTAGE THAT CLEARLY

12

1 OUTWEIGHS THE BENEFITS OF LOCATING A PROJECT IN A PRIORITY FUNDING
2 AREA; AND

3 (II) THERE IS NO REASONABLE ALTERNATIVE FOR THE PROJECT
4 IN A PRIORITY FUNDING AREA IN ANOTHER LOCATION WITHIN THE COUNTY.

5 (3) THE BOARD OF PUBLIC WORKS MAY APPROVE A TRANSPORTATION
6 PROJECT UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION IF THE TRANSPORTATION
7 PROJECT:

8 (I) MAINTAINS THE EXISTING TRANSPORTATION SYSTEM, IF THE
9 DEPARTMENT OF TRANSPORTATION AND THE OFFICE OF PLANNING DETERMINE
10 THE PROJECT DOES NOT SERVE TO SIGNIFICANTLY INCREASE HIGHWAY CAPACITY:

11 (II) SERVES TO CONNECT STATE PRIORITY FUNDING AREAS, IF:

12 1. THE DEPARTMENT OF TRANSPORTATION AND THE
13 OFFICE OF PLANNING DETERMINE THAT ADEQUATE ACCESS CONTROL OR OTHER
14 MEASURES ARE IN PLACE TO:

15 A. PREVENT DEVELOPMENT THAT IS INCONSISTENT WITH §
16 5-7A-01(1), (2), AND (3) OF THIS TITLE; AND

17 B. MAINTAIN THE VIABILITY OF THE PROJECT WHILE
18 CONCOMITANTLY CONSTRAINING DEVELOPMENT WHICH POTENTIALLY DETRACTS
19 FROM MAIN STREET BUSINESS AREAS; AND

20 2. THE DEPARTMENT OF TRANSPORTATION AND THE
21 OFFICE OF PLANNING HAVE FIRST DETERMINED WHETHER ALTERNATIVE
22 TRANSPORTATION MODES, SUCH AS MASS TRANSIT AND TRANSPORTATION
23 DEMAND MANAGEMENT, PROVIDE A REASONABLE ALTERNATIVE TO THE PROJECT
24 AND THAT NO OTHER REASONABLE ALTERNATIVE EXISTS;

25 (III) HAS THE SOLE PURPOSE OF PROVIDING CONTROL OF ACCESS
26 BY THE DEPARTMENT OF TRANSPORTATION ALONG AN EXISTING HIGHWAY
27 CORRIDOR; OR

28 (IV) DUE TO ITS OPERATIONAL OR PHYSICAL CHARACTERISTICS,
29 MUST BE LOCATED AWAY FROM OTHER DEVELOPMENT.

30 (B) (1) A REQUEST FOR APPROVAL BY THE BOARD UNDER SUBSECTION (A)
31 OF THIS SECTION MAY BE MADE AT THE REQUEST OF THE GOVERNING BODY OF
32 THE LOCAL JURISDICTION IN WHICH THE PROJECT IS LOCATED OR THE SECRETARY
33 WITH APPROVAL AUTHORITY OVER THE PROJECT.

34 (2) WHEN MAKING A REQUEST TO THE BOARD OF PUBLIC WORKS, THE
35 APPLICANT SHALL:

36 (I) IDENTIFY THE EXTRAORDINARY CIRCUMSTANCES THAT
37 REQUIRE STATE FUNDS FOR THE PROJECT; AND

38 (II) DEMONSTRATE THAT NO FEASIBLE ALTERNATIVE EXISTS TO
39 MAKING AN EXCEPTION TO THE REQUIREMENTS OF THIS SUBTITLE.

1 (3) THE BOARD OF PUBLIC WORKS, AT ITS DISCRETION, MAY REQUIRE
2 REMEDIAL ACTIONS TO MITIGATE ANY NEGATIVE IMPACTS OF THE PROPOSED
3 PROJECT.

4 (C) (1) WHEN A REQUEST IS MADE TO THE BOARD OF PUBLIC WORKS FOR
5 AN EXCEPTION UNDER THIS SECTION, THE BOARD OF PUBLIC WORKS MAY REQUEST
6 FROM THE STATE ECONOMIC GROWTH, RESOURCE PROTECTION, AND PLANNING
7 COMMISSION AN ADVISORY OPINION ON THE REQUEST FOR THE EXCEPTION.

8 (2) UPON RECEIVING A REQUEST FOR AN ADVISORY OPINION UNDER
9 THIS SUBSECTION, THE COMMISSION ~~MAY, IN ITS DISCRETION,~~ IF REQUESTED BY A
10 MEMBER OF THE PUBLIC, SHALL HOLD A PUBLIC MEETING TO GATHER
11 INFORMATION RELEVANT TO THE ADVISORY OPINION.

12 ~~5-7B-05; 5-7B-06.~~

13 (A) THE STATE MAY PROVIDE FUNDING FOR A GROWTH-RELATED PROJECT
14 NOT IN A STATE PRIORITY FUNDING AREA WITHOUT RECEIVING APPROVAL FROM
15 THE BOARD OF PUBLIC WORKS AS PROVIDED UNDER § ~~5-7B-04~~ 5-7B-05 OF THIS
16 SUBTITLE FOR:

17 ~~(1) A TRANSPORTATION PROJECT THAT:~~

18 ~~(I) MAINTAINS THE EXISTING TRANSPORTATION SYSTEM;~~
19 ~~PROVIDED THE DEPARTMENT OF TRANSPORTATION AND THE OFFICE OF PLANNING~~
20 ~~DETERMINE THE PROJECT DOES NOT SERVE TO INCREASE HIGHWAY CAPACITY;~~

21 ~~(II) SERVES TO CONNECT STATE PRIORITY FUNDING AREAS;~~
22 ~~PROVIDED THAT:~~

23 ~~1. THE DEPARTMENT OF TRANSPORTATION AND THE~~
24 ~~OFFICE OF PLANNING DETERMINE THAT ADEQUATE ACCESS CONTROL MEASURES~~
25 ~~ARE IN PLACE TO:~~

26 ~~A. PREVENT DEVELOPMENT THAT IS INCONSISTENT WITH §~~
27 ~~5-7A-01(1), (2), AND (3) OF THIS TITLE; AND~~

28 ~~B. MAINTAIN THE VIABILITY OF THE PROJECT WHILE~~
29 ~~CONCOMITANTLY CONSTRAINING DEVELOPMENT WHICH POTENTIALLY DETRACTS~~
30 ~~FROM MAIN STREET BUSINESS AREAS; AND~~

31 ~~2. THE DEPARTMENT OF TRANSPORTATION IN~~
32 ~~CONSULTATION WITH THE OFFICE OF PLANNING HAS FIRST CONSIDERED WHETHER~~
33 ~~ALTERNATIVE TRANSPORTATION MODES SUCH AS MASS TRANSIT PROVIDE A~~
34 ~~REASONABLE ALTERNATIVE TO THE PROJECT AND DETERMINED THAT NO SUCH~~
35 ~~REASONABLE ALTERNATIVE EXISTS;~~

36 ~~(III) HAS THE SOLE PURPOSE OF PROVIDING CONTROL OF ACCESS~~
37 ~~BY THE DEPARTMENT OF TRANSPORTATION ALONG AN EXISTING HIGHWAY~~
38 ~~CORRIDOR; OR~~

39 ~~(IV) DUE TO ITS OPERATIONAL OR PHYSICAL CHARACTERISTICS,~~
40 ~~MUST BE LOCATED AWAY FROM OTHER DEVELOPMENT;~~

14

1 ~~(2)~~ (1) A PROJECT THAT IS REQUIRED TO PROTECT PUBLIC HEALTH
2 OR SAFETY; OR

3 ~~(3)~~ (2) A PROJECT INVOLVING FEDERAL FUNDS, TO THE EXTENT
4 COMPLIANCE WITH THIS SUBTITLE WOULD CONFLICT OR BE INCONSISTENT WITH
5 FEDERAL LAW; OR

6 (3) A GROWTH-RELATED PROJECT RELATED TO A COMMERCIAL OR
7 INDUSTRIAL ACTIVITY WHICH, DUE TO ITS OPERATIONAL OR PHYSICAL
8 CHARACTERISTICS, SHALL BE LOCATED AWAY FROM OTHER DEVELOPMENT,
9 INCLUDING:

10 (I) A NATURAL RESOURCE BASED INDUSTRY;

11 (II) AN INDUSTRY RELATING TO:

12 1. AGRICULTURAL OPERATIONS, AS DEFINED IN SECTION
13 7-101 OF THE LABOR AND EMPLOYMENT ARTICLE;

14 2. FORESTRY ACTIVITIES; OR

15 3. MINERAL EXTRACTION;

16 (III) AN INDUSTRY THAT IS PROXIMATE TO AN AIRPORT OR
17 ANOTHER TRANSPORTATION FACILITY; OR

18 (IV) A TOURISM FACILITY OR MUSEUM THAT IS REQUIRED TO BE
19 LOCATED AWAY FROM OTHER DEVELOPMENT DUE TO NECESSARY PROXIMITY TO
20 SPECIFIC HISTORIC, NATURAL, OR CULTURAL RESOURCES.

21 (B) A PROCEDURE FOR NOTIFICATION, REVIEW, AND COMMENT ON
22 EXCEPTIONS PROPOSED UNDER THIS SECTION SHALL BE ESTABLISHED JOINTLY BY
23 THE DEPARTMENT OF TRANSPORTATION AND THE OFFICE OF PLANNING.

24 ~~5-7B-06; 5-7B-07.~~

25 (A) IT SHALL BE THE POLICY OF THE STATE THAT THE EMPHASIS OF
26 FUNDING FOR PUBLIC SCHOOL CONSTRUCTION PROJECTS SHALL BE TO TARGET
27 THE REHABILITATION OF EXISTING SCHOOLS TO ENSURE THAT FACILITIES IN
28 ESTABLISHED NEIGHBORHOODS ARE OF EQUAL QUALITY TO NEW SCHOOLS.

29 (B) THIS SECTION MAY NOT BE CONSTRUED TO PROHIBIT THE PROVISION OF
30 SCHOOL CONSTRUCTION FUNDING OUTSIDE A PRIORITY FUNDING AREA.

31 (C) THE PUBLIC SCHOOL INTERAGENCY COMMITTEE ON SCHOOL
32 CONSTRUCTION SHALL CONTINUE TO REVIEW AND MAKE RECOMMENDATIONS ON
33 SCHOOL FUNDING PROJECTS TO THE BOARD OF PUBLIC WORKS.

34 ~~(A) THE OFFICE OF PLANNING SHALL:~~

35 ~~(1) BY REGULATION AND IN CONSULTATION WITH THE STATE~~
36 ~~ECONOMIC GROWTH, RESOURCE PROTECTION, AND POLICY COMMISSION;~~
37 ~~ESTABLISH A COLLABORATIVE PROCESS WITH LOCAL JURISDICTIONS FOR THE~~

15

1 ~~DEVELOPMENT, AND PERIODIC UPDATING, OF MAPS AND DESCRIPTIONS OF STATE~~
2 ~~PRIORITY FUNDING AREAS;~~

3 ~~(2) IN THE CASE OF A DISPUTE, DETERMINE THE LOCATION OF A STATE~~
4 ~~PRIORITY FUNDING AREA;~~

5 ~~(3) ESTABLISH A PROCESS FOR THE REVIEW OF PROJECTS BY THE~~
6 ~~APPROPRIATE STATE AGENCIES AND THE OFFICE OF PLANNING FOR COMPLIANCE~~
7 ~~WITH THIS SUBTITLE; AND~~

8 ~~(4) PROVIDE TO EACH STATE AGENCY AND UNIT OF STATE~~
9 ~~GOVERNMENT, AS APPROPRIATE, AS WELL AS LOCAL GOVERNMENTS, THE~~
10 ~~LOCATION OF STATE PRIORITY FUNDING AREAS.~~

11 ~~(B) THE COLLABORATIVE PROCESS DESCRIBED IN SUBSECTION (A) OF THIS~~
12 ~~SECTION SHALL ENSURE THAT EACH COUNTY AND MUNICIPALITY HAS THE~~
13 ~~OPPORTUNITY TO SUBMIT A MAP AND DESCRIPTION OF THE JURISDICTION'S~~
14 ~~PRIORITY FUNDING AREAS, WHICH SHALL BE CONSISTENT WITH THE LOCAL~~
15 ~~COMPREHENSIVE PLAN AND THE CRITERIA SET FORTH IN § 5-7B-02 OF THIS~~
16 ~~SUBTITLE.~~

17 5-7B-08.

18 (A) TO BE ELIGIBLE FOR FUNDING FOR GROWTH-RELATED PROJECTS, A
19 LOCAL GOVERNMENT SHALL CERTIFY TO THE OFFICE OF PLANNING ANY AREA
20 DESIGNATED BY THE LOCAL GOVERNMENT AS A PRIORITY FUNDING AREA UNDER
21 § 5-7B-03 OF THIS SUBTITLE, WHICH SHALL BE CONSISTENT WITH THE LOCAL
22 COMPREHENSIVE PLAN AND THE CRITERIA SET FORTH IN § 5-7B-03 OF THIS
23 SUBTITLE.

24 (B) PRIOR TO CERTIFICATION OF A PRIORITY FUNDING AREA OR AREAS, THE
25 LOCAL GOVERNMENT MAY SUBMIT THE PROPOSED PRIORITY FUNDING AREAS AND
26 ANY RELEVANT INFORMATION TO THE OFFICE OF PLANNING FOR:

27 (1) TECHNICAL ASSISTANCE, REVIEW, AND COMMENT; AND

28 (2) THE OPPORTUNITY FOR PUBLIC REVIEW.

29 (C) UPON CERTIFICATION OF A PRIORITY FUNDING AREA, THE LOCAL
30 GOVERNMENT SHALL PROVIDE TO THE OFFICE OF PLANNING ALL INFORMATION
31 NECESSARY TO DEMONSTRATE THE PRECISE LOCATION OF THE AREA, INCLUDING
32 A MAP OF THE AREA SHOWING PLANNING AND ZONING CHARACTERISTICS, AND
33 EXISTING AND PLANNED WATER OR SEWER SERVICES AS APPROPRIATE.

34 (D) THE OFFICE OF PLANNING, AS APPROPRIATE, SHALL PROVIDE TO EACH
35 STATE AGENCY THAT FUNDS GROWTH-RELATED PROJECTS COPIES OF MAPS
36 ILLUSTRATING:

37 (1) PRIORITY FUNDING AREAS CERTIFIED BY THE LOCAL
38 GOVERNMENT; AND

39 (2) ANY COMMENTS BY THE OFFICE OF PLANNING ON THE AREAS
40 CERTIFIED.

1 (E) PRIOR TO FUNDING A GROWTH-RELATED PROJECT, THE STATE FUNDING
2 AGENCY SHALL OBTAIN FROM THE AFFECTED LOCAL GOVERNMENT A WRITTEN
3 STATEMENT THAT THE PROPOSED GROWTH-RELATED PROJECT IS LOCATED
4 WITHIN A CERTIFIED PRIORITY FUNDING AREA.

5 ~~5-7B-07.~~ 5-7B-09.

6 (A) THE OFFICE OF PLANNING SHALL:

7 (1) ESTABLISH A PROCESS FOR THE REVIEW OF PROJECTS BY THE
8 APPROPRIATE STATE AGENCIES AND THE OFFICE OF PLANNING FOR COMPLIANCE
9 WITH THIS SUBTITLE;

10 (2) PROVIDE TO EACH STATE AGENCY AND UNIT OF STATE
11 GOVERNMENT THE LOCATION OF PRIORITY FUNDING AREAS; AND

12 (3) MAKE AVAILABLE TO EACH COUNTY, AND TO THE PUBLIC FOR
13 REVIEW, COPIES OF MAPS ILLUSTRATING:

14 (I) PRIORITY FUNDING AREAS CERTIFIED BY THE LOCAL
15 GOVERNMENTS; AND

16 (II) ANY COMMENTS BY THE OFFICE OF PLANNING ON THE AREAS
17 CERTIFIED.

18 (B) BY OCTOBER 1, 1998, THE OFFICE OF PLANNING SHALL COMPLETE
19 SURVEYS OF MUNICIPAL, COUNTY, AND STATE GOVERNMENTS FOR
20 INFRASTRUCTURE NEEDS AND SHALL MAINTAIN A LIST OF NEEDED PROJECTS THAT
21 INCLUDES INFORMATION RELATING TO THE FINANCIAL CAPACITY OF THE
22 AFFECTED UNIT OF GOVERNMENT TO UNDERTAKE SUCH PROJECTS.

23 (C) A COPY OF THIS LIST OF PROJECTS SHALL BE MADE AVAILABLE UPON
24 REQUEST TO MEMBERS OF THE GENERAL ASSEMBLY, LOCAL GOVERNMENT
25 OFFICIALS, AND THE GENERAL PUBLIC.

26 (D) EACH STATE AGENCY SUBJECT TO THIS SUBTITLE SHALL REPORT
27 ANNUALLY TO THE OFFICE OF PLANNING ON THE IMPLEMENTATION OF THIS
28 SUBTITLE IN A FORM APPROVED BY THE OFFICE OF PLANNING.

29 ~~5-7B-08.~~ 5-7B-10.

30 (A) THIS SECTION MAY NOT BE CONSTRUED TO CREATE A PRIVATE CAUSE OF
31 ACTION FOR ANY PERSON OR LOCAL GOVERNMENT.

32 (B) A DECISION TO FUND A PROJECT OR NOT TO FUND A PROJECT AS
33 REQUIRED UNDER THIS SUBTITLE SHALL NOT BE SUBJECT TO TITLE 10, SUBTITLE 2
34 (ADMINISTRATIVE PROCEDURE ACT - CONTESTED CASES) OF THE STATE
35 GOVERNMENT ARTICLE.

36 (C) THIS SUBTITLE MAY NOT BE CONSTRUED TO PREVENT AN AGENCY FROM
37 PROVIDING TECHNICAL ASSISTANCE IN AN AREA THAT IS NOT A PRIORITY FUNDING
38 AREA.

17

1 7-314.

2 (O) IN THE CASE OF AN ECONOMIC DEVELOPMENT OPPORTUNITY LOCATED
3 OUTSIDE A PRIORITY FUNDING AREA AS ESTABLISHED UNDER TITLE 5, SUBTITLE 7B
4 OF THIS ARTICLE, THE DEPARTMENT SHALL FIRST COMPLY WITH THE PROVISIONS
5 OF THAT SUBTITLE BEFORE MAKING A REQUEST FOR APPROVAL BY THE
6 LEGISLATIVE POLICY COMMITTEE UNDER THIS SECTION.

7 ~~SECTION 2. AND BE IT FURTHER ENACTED, That no provision of this Act~~
8 ~~shall apply to any project or program for which approval has been granted or a~~
9 ~~commitment made before October 1, 1998, or for which a valid permit or State~~
10 ~~commitment for a grant, loan, loan guarantee, or insurance for a capital project, or for~~
11 ~~which final review under the National Environmental Policy Act or the Maryland~~
12 ~~Environmental Policy Act is completed by October 1, 1998, or for which final review~~
13 ~~through the State Clearinghouse for Intergovernmental Assistance is completed by~~
14 ~~January 1, 1999.~~

15 SECTION 2. AND BE IT FURTHER ENACTED, That no provision of this Act
16 shall apply to any project or program for which:

17 (a) Approval has been granted or a commitment made before October 1, 1998;

18 (b) A valid permit has been issued;

19 (c) A commitment for a grant, loan, loan guarantee, or insurance for a capital
20 project has been granted;

21 (d) Final review under the National Environmental Policy Act or the Maryland
22 Environmental Policy Act is completed by October 1, 1998;

23 (e) Final review through the State Clearinghouse for Intergovernmental
24 Assistance is completed by January 1, 1999; or

25 (f) An appropriation has been included by October 1, 1998 in the development
26 and evaluation portion of the Consolidated Transportation Program.

27 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 October 1, 1997.